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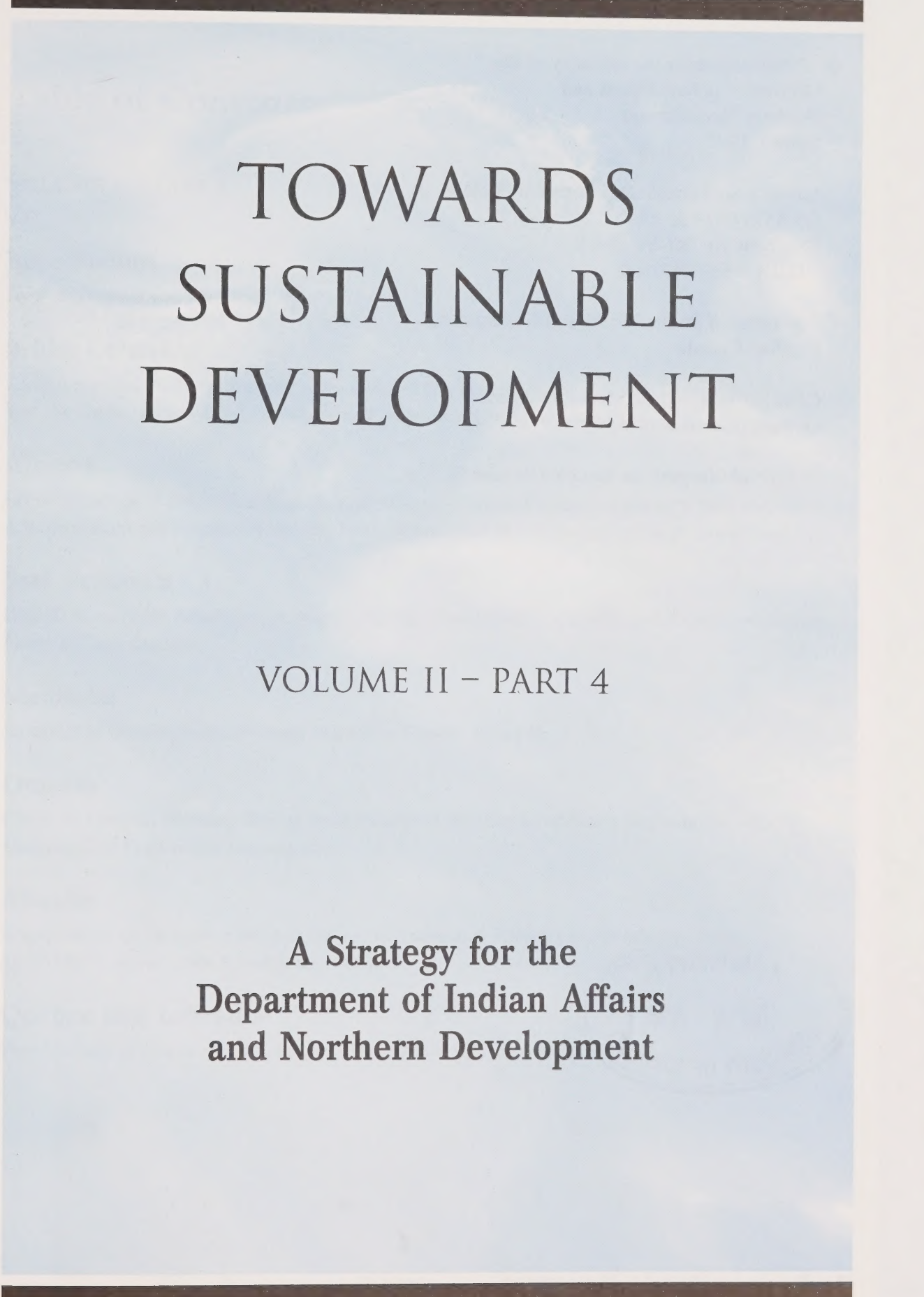


TOWARDS SUSTAINABLE DEVELOPMENT

VOLUME II – PART 4

A Strategy for the
Department of Indian Affairs
and Northern Development

Canada



TOWARDS SUSTAINABLE DEVELOPMENT

VOLUME II – PART 4

**A Strategy for the
Department of Indian Affairs
and Northern Development**

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Introduction

This is Part 4 of the sustainable development strategy being developed by the Department of Indian Affairs and Northern Development (DIAND). It is published separately from the rest of DIAND's strategy and includes the results of discussions held among DIAND staff and First Nations communities from across Canada during Phase II discussions on DIAND's draft sustainable development strategy. The document contains separate reports for each of the seven regions in DIAND, prepared largely by First Nations.

The purpose of this document is to set out a basis for DIAND to (i) continue discussions with First Nations on sustainable development and the implementation of DIAND's sustainable development strategy, and (ii) build better relations with First Nations and Inuit across Canada.

Sustainable development is a central theme in the federal government's agenda. Directed by the federal government's *A Guide to Green Government (1995)*, DIAND's strategy has been prepared as a result of recent amendments to the *Auditor General Act* which require that:

- the Minister of each federal department table a sustainable development strategy in the House of Commons by December 1997;
- each department report annually on progress in its Main Estimates;
- the strategies be updated at least every three years;
- the *Commissioner of Environment and Sustainable Development* monitor the implementation of the strategies and submit annual reports on sustainable development to Parliament; and
- the strategies be developed in consultation with respective clients, partners and other stakeholders.

How This Report Was Prepared

In the spring of 1996, DIAND held a series of workshops with its regional staff to:

- discuss sustainable development and potential implications for the department;
- raise awareness of the legal requirement to prepare a sustainable development strategy; and
- solicit advice on how to include First Nation peoples and Inuit in the drafting of such a strategy.

The key recommendations were, first, to include First Nations and Inuit at the earliest possible time, and, second, to maintain a very open agenda. In the short term, this participation would include two series of meetings:


- Phase I (fall 1996 and winter 1997) to identify issues; and
- Phase II (spring/summer 1997) to review a draft strategy.

In both phases, the approach to discussions was comprehensive, involving extensive meetings and workshops across Canada. Largely designed and organized by First Nations, sessions were adapted to meet the specific needs of DIAND's seven regions across the country. In addition, provincial and territorial governments were invited to participate in both phases. The results of Phase I discussions have been published as a separate document.

DIAND responded to the discussions held in Phase I by drafting a strategy for review and comment during Phase II. This second round of discussions was organized and co-ordinated by regional and community Aboriginal organizations. Although a significant level of effort was made to generate involvement, comments during these discussions reflected increasing concern about DIAND's approach to sustainable development, including the schedule, time and resources available. Rather than responding to DIAND's strategy, First Nations in Quebec decided to develop their own sustainable development strategy. The section of this document from Quebec represents First Nations' efforts in this regard.

At a joint meeting of DIAND officials and representatives of First Nations and Inuit organizations held in September 1997, participants agreed that a better relationship between the Department, First Nations and Inuit was important in reconciling the cultural, economic, environmental and social elements of sustainable development. As a step toward building this relationship, participants agreed that the key results of Phase II discussions should be published region by region, without significant changes, as a part of DIAND's strategy. This document, published as Part 4 of the strategy, honours this request. Copies of the original reports submitted by First Nations, which include additional supporting appendices such as DIAND's original draft strategy, can be obtained from DIAND.

The openness and leadership that participants demonstrated during the five-day meeting in September 1997 was recognized by participants as exemplary of the kinds of trust building exercises required for a new relationship. This document serves as a basis for the Department, First Nations and Inuit to further explore the diverse and important understandings that First Nations and Inuit organizations from across Canada have of sustainable development.



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Toward Sustainable Development:
A Synthesis of Discussions between
British Columbia First Nations and the
Department of Indian Affairs and Northern Development
Phase II

Prepared by: Douglas Hyde, Resource Futures International and
Katherine Beavis, DIAND

For: Department of Indian and Northern Affairs

Date: October 17, 1997

Executive Summary

This report summarizes the main themes and provides a detailed list of practical suggestions from discussions held between the Department of Indian Affairs and Northern Development (DIAND) and First Nations people in British Columbia (BC). The purpose of these discussions, which took place between July and September 1997, was to review the first draft of DIAND's Sustainable Development Strategy (SDS). DIAND will table its first strategy with Parliament in December 1997.

First Nations participants in these discussions expressed a number of common concerns about DIAND's proposed SDS. Seen as critical first steps for DIAND, these concerns included:

- Trust is not a characteristic of the DIAND/First Nations relationship;
- DIAND is not responsive to First Nations issues and concerns;
- First Nations people desire early and meaningful participation in decisions that affect them;
- DIAND needs to improve co-ordination and communication with others to support sustainable development;
- Lack of First Nations' access to and control over lands and resources is a major barrier to sustainable development;
- Sustainable development means first and foremost meeting the needs of First Nations communities;
- DIAND needs to acknowledge and respect the inherent sustainability of Aboriginal cultures in its efforts toward sustainability;
- Emphasis should be placed on First Nations developing their own sustainable development strategies;
- There are legal and systemic barriers to sustainable development for First Nations;
- Financial arrangements between DIAND and First Nations are insufficient and too restrictive for sustainable development;
- Access to information of all kinds is key to sustainable development; and
- DIAND must clearly define the terms it uses in its SDS.

The purpose of this report is to table the input from BC First Nations people with Parliament in December 1997. It is intended to be used as the basis for further discussions between DIAND and BC First Nations in the implementation of DIAND's SDS.

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Introduction

As a result of 1995 amendments to the *Auditor General Act*, DIAND is required to consult with the public and prepare a SDS every three years. The first strategy will be tabled with Parliament in December 1997. DIAND interpreted the requirement to consult with the public as a need to begin discussions with First Nations. In the fall of 1996, DIAND began Phase I of a series of discussions about sustainable development. DIAND staff used the results of Phase I to prepare a draft SDS, which was then used as the basis for further dialogue with First Nations during Phase II (see Annex1 for selected excerpts from the draft, *Toward a Sustainable Development Strategy for DIAND*).

The overriding message from BC First Nations participants during both phases of discussion was that DIAND and First Nations have different understandings of what constitutes consultation. The DIAND discussions were, from the perspective of First Nations, information sharing and not consultation. DIAND's first SDS focuses on resolving this and other differences in understanding by placing emphasis on the need to build a cooperative DIAND/First Nation relationship. DIAND was told that it must learn to "walk before it can run", if it is to support sustainable development in a meaningful way. The valuable input gathered during the discussions was therefore not fully integrated into DIAND's first SDS. To do so would assume that DIAND is already walking.

The purpose of this report is to set out the main themes and detailed practical suggestions given by BCFirstNations participants during Phase II discussions. It is based on minutes and verbatim reports prepared by FirstNations organizers of these community meetings. The report consists of four main sections:

<i>Process</i>	examines how discussions were organized, who participated, etc.;
<i>Main Themes</i>	summarizes the common issues and concerns that First Nations participants across BC identified as barriers to sustainable development;
<i>Detailed Suggestions</i>	lists the specific, practical suggestions from First Nations participants for DIAND to change its policies and programs in support of sustainable development; and
<i>Conclusion</i>	summarizes the results of this report and how it can be used.

Process

Phase II discussions in BC were co-ordinated via the Intergovernmental Affairs Directorate at DIAND-BC Region in Vancouver. A letter of invitation from the Associate Regional Director General, Bill Montour, was sent to all Bands, Tribal Councils, the Union of BC Indian Chiefs and the First Nations Summit, accompanied by the draft SDS. Follow-up phone calls were made to participating organizations from Phase I, and cold calls were made to selected Bands and Tribal Councils in areas of the province that had not been represented in Phase I.

The following table outlines the Phase II meeting schedule:

Co-ordinating Organization	Place	Date
Tribal Resources Investment Corporation	Prince Rupert, BC	07/08/97
Ktunaxa/Kinbasket Tribal Council (O'Neil Marketing and Consulting)	'Bonner's Ferry, Idaho	07/14/97
Alliance Tribal Council	Vancouver, BC	07/16/97
Shuswap Nation Tribal Council	Kamloops, BC	08/12/97
Gitksan Government Commission	Hazelton, BC	08/14/97
Stellat'en First Nation	Fraser Lake, BC	08/18/97
Okanagan Nation Alliance	Westbank, BC	08/20/97
Kwakiutl District Council	Campbell River, BC	09/09/97

For detailed lists of participating First Nations or meeting minutes, please contact the Intergovernmental Affairs Directorate of DIAND-BC Region at (604) 666-5086.

The co-ordinating agencies were responsible for all logistical and substantive planning for the meetings. DIAND staff from various directorates (Funding Services, Lands and Trusts Services, Intergovernmental Affairs and the Federal Treaty Negotiation Office) attended the meetings to provide information and facilitation where requested. Minutes were prepared and submitted by the co-ordinating agencies and forwarded to DIAND-BC Region.

Other government departments (federal and provincial) were invited to attend the meetings. While many expressed interest, only BC's Ministry of Forests and Emergency Preparedness Canada participated in one meeting each.

National meetings were held in Hull, Quebec, from September 22-26, 1997, to consolidate the input from Phase II into DIAND's SDS. DIAND-BC Region coordinated a process for the election of three BCFirstNations representatives by the co-ordinating agencies. These representatives were: Chief Arthur Manuel (Chairman, Shuswap Nation Tribal Council), Pauline Terbasket (Councillor, Lower Similkameen Band) and Fred Tolmie (Economic Development Officer, TRICORP). Other BC attendees were Elmer Derick and Robin Billy.

Constraints

Several constraints limited First Nations' participation in Phase II discussions. They included:

- lack of time to organize properly;
- busy season for traditional economic activity;
- lack of financial resources; and
- lack of human resource capacity in terms of administrative support.

Main Themes

The following themes were pulled from the individual meeting reports and ordered according to (a) how strongly the message was sent, and (b) how often.

BC participants emphasized 12 main themes throughout the discussions:

1. Trust is not a characteristic of the DIAND/First Nations relationship;
2. DIAND is not responsive to First Nations issues and concerns;
3. First Nations people desire early and meaningful participation in decisions that affect them;
4. DIAND needs to improve co-ordination and communication with others to support sustainable development;
5. Lack of First Nations' access to and control over lands and resources is a major barrier to sustainable development;
6. Sustainable development for First Nations means, above all, meeting the needs of their communities;
7. DIAND needs to acknowledge and respect the inherent sustainability of Aboriginal cultures in its efforts toward sustainability;
8. Emphasis should be placed on First Nations developing their own SDSs;

9. There are legal and systemic barriers to sustainable development for First Nations;
10. Financial arrangements between DIAND and First Nations are insufficient and too restrictive for sustainable development;
11. Access to information of all kinds is key to sustainable development; and
12. DIAND must clearly define the terms it uses in its SDS.

The linkages between these issues and sustainable development are described in more detail below.

1. Trust is not a characteristic of the DIAND/First Nations relationship

Participants in BC's regional discussions noted that DIAND needs to build trust with First Nations people before it can effectively implement sustainable development. First Nations people must be active participants in any efforts toward sustainable development, yet they have little faith that DIAND will acknowledge and support this role in a meaningful way.

On many issues, the rifts between First Nations and DIAND are deep. For example, when DIAND represents the Crown's interests rather than First Nations' in negotiating access to lands and resources, or remains silent when provincial and private sector development threatens First Nation livelihoods, the department sends strong signals about its role and priorities. Economic opportunities both new and old are lost as a result of DIAND's intervention or failure to advocate on behalf of First Nations. Opportunity costs are high in these cases, as resource use options are foreclosed for future generations without compensation.

The department's control over First Nations funding arrangements is an additional source of irritation for First Nations that reinforces distrust. Also, First Nations have difficulty trusting the department about its sincerity toward sustainable development when its program record has failed to produce lasting benefits at the local level. Their suggestion is for DIAND to change its approach, from unilateral planning to co-operative action.

2. DIAND is not responsive to First Nations issues and concerns

First Nations participants felt that DIAND is not responsive to First Nations, and suggested that improved responsiveness would go a long way toward sustainable development. For example, procedures could be changed to improve co-ordination and communication between DIAND and First Nations; decision-making could be streamlined to maximize economic potential and cut down on bureaucratic red tape; reporting requirements could be reduced or improved to make them less onerous; public information produced by DIAND could be easier to understand and use; major departmental priorities and spending decisions could more accurately reflect First Nations needs; and cross-cultural workshops could improve respect and understanding for all parties.

3. First Nations people desire early and meaningful participation in decisions that affect them

First Nations participants expressed strong views that because DIAND's SDS will have impacts on their communities, they should have been involved earlier and more meaningfully in the creation of the strategy. They expressed concern that DIAND's approach to gathering their input was shallow and pointed to other government initiatives that reinforced their concern. For example, all of the money that was spent on the Royal Commission for Aboriginal Peoples (RCAP) has yet to yield tangible results. Another example is the insufficient time and resources that government processes allocate to First Nations to respond to technical referrals. Participants suggested that proper consultation consists of parties that have equal power around the table (in terms of time, resources and decision-making authority), and of all parties with an interest, including off-reserve community members, having the opportunity to be heard.

Participants indicated that they are tired of providing advice without tangible results. They advocated a shift by the department to inclusive decision-making as a requirement for sustainable development.

4. DIAND needs to improve co-ordination and communication with others to support sustainable development

Participants were critical about other government agencies, both federal and provincial, with respect to their public consultation processes. They were frustrated by the poor communication and co-ordination demonstrated by federal departments on sustainable development, and the lack of engagement of the provincial government given overlapping jurisdictions in key areas and the requirement for a holistic approach. Limited efforts by other federal departments to discuss sustainable development with First Nations were labelled as tokenism at best. Other federal agencies did not demonstrate an appreciation of the importance of communicating with First Nations in support of their sustainable development efforts.

Participants felt that DIAND has a role and responsibility in co-ordinating other governments in their sustainable development efforts, and especially in bringing First Nations into relevant decision-making processes. They suggested that chiefs, councillors, elders and youths should be invited to participate before decisions are made.

5. Lack of First Nations' access to and control over lands and resources is a major barrier to sustainable development

First Nations participants indicated that without access to and control over lands and resources, achieving sustainable development is not possible in their communities. Many claimed that the proper forum for discussing sustainable development is at the negotiating table; in fact, some First Nations refused to participate in Phase II because of this perceived

conflict of interest. Those who did participate said that DIAND has a role to play in bringing other governments to the negotiating table, and in advocating there for First Nations interests.

Participants expressed concern that big industries are playing an increasingly important role in resource management, while First Nations are increasingly marginalized. Many felt that DIAND has a role to play in helping First Nations apply leverage to ensure adequate First Nations input into land use decision-making, and in promoting relationship-building between First Nations, the private sector and other government agencies.

6. Sustainable development for First Nations means, above all, meeting the needs of their communities

High population growth rates are straining the ability of already lagging infrastructure to meet healthy community requirements. Participants felt that individuals must have their basic needs met for sustainable development to be a priority of First Nations communities.

Participants advocated for greater control of financial, human, cultural and political resources at the local level. They felt that such control would improve health, education, employment, and cultural protection, and give children a better hope for the future. DIAND is not meeting community needs now despite its substantial budget. Participants suggested that DIAND adopt a more flexible approach in supporting community-based initiatives to meet their own needs and requirements for sustainable development.

Participants also suggested that DIAND include measurable, results-based targets in its SDS to facilitate the move from planning to action.

7. DIAND needs to acknowledge and respect the inherent sustainability of Aboriginal cultures in its efforts toward sustainable development

First Nations have traditionally demonstrated an understanding of sustainable resource management principles that are mirrored in their cultural institutions. The values that support this tradition of sustainability, however, are being eroded. Participants felt that DIAND should acknowledge that the preservation of cultural diversity is key to sustainability. They suggested that cultural conflicts, such as materialism versus the "waste not" ethic of First Nations, should be addressed for development that is economically viable, ecologically sound and culturally appropriate. DIAND can support First Nations' knowledge and abilities, and enable its preservation and modern application through its SDS.

8. Emphasis should be placed on First Nations developing their own SDSs

First Nations participants felt strongly that they should be preparing their own sustainable development strategies. An example is the Ktunaxa/Kinbasket Tribal Council (KKTC) pilot project for the sustainable development of a Christmas tree enterprise that was a result of their discussions with DIAND.

Participants felt that DIAND does not currently support First Nations' interests in leading work on sustainable development. First Nations are innovative but have no authority or resources to implement sustainable development. Despite a growing legacy of distrust, participants felt that long term planning should be encouraged. DIAND could most effectively assist First Nations by supporting planning processes for a common vision and priorities at the local level. DIAND could help First Nations enable these plans by providing resources for implementation and by playing the co-ordination and advocacy roles suggested above.

9. There are legal and systemic barriers to sustainable development for First Nations

Participants felt that the federal government is not meeting its treaty and fiduciary obligations to First Nations. This failure is perceived as a major barrier to First Nations sustainability.

Participants felt that the *Indian Act* is a legislative barrier to self-sufficiency and sustainability. For example, due to provisions of the *Indian Act*, First Nations can not use their homes like other Canadians as a source of financial equity to create economic opportunities for themselves. Also, the *Indian Act* institutes systems of governance that bear little resemblance to traditional structures and that as such, lend to the erosion of inherently sustainable Aboriginal cultures. Legislative and regulatory red tape, policy and regulation gaps, overlapping jurisdictions and a lack of clarity regarding accountability also create barriers to sustainable development. Judicial systems and processes which are considered discriminatory to First Nations further exacerbate the problem.

From a First Nations perspective, the application of these legal instruments is a fundamental betrayal of treaty rights and the inherent right to self-government, and as such are major barriers to sustainable development for First Nations. Identifying, understanding and removing these barriers was seen as a fundamental requirement of DIAND's SDS.

10. Financial arrangements between DIAND and First Nations are insufficient and too restrictive to support sustainable development

Current restrictions on financing and funding arrangements are limiting. Funding arrangements need to be more flexible to accommodate diverse First Nations' choices. Participants suggested that the responsibilities of Tribal Councils under funding arrangements be clarified, and that transfer agreements, where applicable in BC, be supplemented and restrictions loosened. To support sustainable development, participants indicated that First Nations need flexibility and freedom over their own spending.

11. Access to Information of all kinds is key to sustainability

Participants felt that sharing information, for example about best housing, forestry and other sustainable development practices among First Nations communities, would support the achievement of sustainable development. They also expressed concern that Band offices receive large volumes of government information but do not have the capacity to adequately

deal with it. DIAND has a role to play in facilitating information sharing and removing barriers, such as lack of human resource capacity, infrastructure and communications technologies, to ensure First Nations people from across Canada have easy access to each other, to government agencies and to other relevant sources.

12. DIAND must clearly define the terms it uses in its SDS

Participants were concerned that DIAND's draft strategy did not define key terms such as "partners", "adequate land base" and "mutual trust." It was suggested that a glossary setting out the department's understandings of these terms would clarify the strategy and ease its implementation.

Detailed Suggestions

In addition to the cross-cutting themes summarized above, participants made a number of very useful practical suggestions for DIAND to help improve the sustainability of its operations. The following list consists of these specific comments received during Phase II discussions on DIAND's draft SDS.¹ Relevant excerpts from the draft are contained in Annex 1 for comparison. Comments that reiterate any of the main themes above were not repeated.

General

- Funding Transfer Agreement (FTA) process should be halted and recommendations from this session implemented.
- Future amendments to the *Indian Act* should be made from a "sustainable" perspective.
- Chief and Council in each band should know the decisions which affect communities before community members are informed.
- Communications should be directly with the Chief and Council.
- Timing needs to be improved. First Nations need to be involved in the process before decisions are made.
- Eliminate DIAND.
- We must look at the long term, not just for this Chief and Council.

¹ Apologies to participating First Nations for failing to reference individual comments to their source community.

- Is growth a good way to achieve sustainability? Every community wants something different – some want growth and some do not.
- “Facilitating” is not a strong enough word and should be changed throughout the document to “support.” Support is defined as including funds, training, and other resources, such as human, natural and financial.
- The SDS should allow for regional chapters to insure that key regional issues are not lost, e.g. in BC, issues concerning urban bands.
- Complaint that DIAND is using old statistics to allocate funding.
- Cutbacks are affecting progress in Sustainable Development. Negotiations are needed.
- Treaty Process:
 - Should include the ability to meet First Nations needs;
 - Should be settled;
 - Cultural needs should be considered; and
 - Sustainability must include consultation and diversity of First Nations .
- Government Policy:
 - Government does not follow through with policy and commitment;
 - Resources do not flow back into the communities;
 - We need to deal with too many levels of government;
 - Need to harmonize and streamline approach-standardize provincial and federal policies; and
 - On-reserve resources include natural resources, human resources and financial resources.
- Complaint that the 1943 *Minerals Act* that dealt with subsurface resources was unsustainable.
- Establish a nation to nation treaty process.
- Community Economic Development Officers (CEDOs) reporting process needs First-Nations involvement in deciding report formats.

- The surrounding municipal government – control of servicing and off-reserve development - should be considered.
- Locally controlled archaeological research is needed.
- Where does RCAP fit in the SDS process?
- Would like the word “facilitate” changed to “advocate” throughout the SDS document.
- The definition of “land” for the Kwakiutl District Council includes natural resources, ocean, water and water rights.
- The perspective of the SDS document is more responsive to Auditor General requirements than on advocating First Nations sustainable development in its own communities and for the future.
- In a lot of ways it is good that DIAND is identifying something it is going to be complying with. It is a good instrument to have if the SDS is going to be used as a kind of “report card” for the Auditor General to assess DIAND.
- The SDS document is limited because it does not deal strongly with third parties such as industry, other agencies, or governments.
- This process is too “Band Council” oriented (on versus off-reserve).
- There is a need to tie local concerns and comments into the national policy since it has local impacts.
- Stronger emphasis in the report is required to show First Nations traditionally practiced environmental respect and survival. First Nations are still trying to practice but this is difficult with licensing, third party involvement, etc.
- Tasks are too vague.
- It was felt that these goals were developed by DIAND before Phase 1 was even developed.
- Question: Why is the government trying to impose the 1969 white paper on native people under the guise of Sustainable Development?

Sustainable Development and Guiding Principles

- Regarding sustainable development, economy and environment have been the main issues. DIAND needs to insure that emphasis is also placed on social aspects, e.g. culture, social, health, etc.
- The concept of “being able to balance” is important to sustainable development.

- Sustainable development needs to be attainable for small communities. Problems include big corporations, pollution and over-harvesting. First Nations are a small voice.
- Sustainable development means “Land is our culture. Sustainable Development recognizes the diversity of First Nation culture, their wants/needs and sustaining resources.”
- Sustainable development is community development. Natural resources should be available for the next seven generations.
- We need the following awareness to be sustainable:
 - Emotional (housing and family);
 - Spiritual (prayers, culture, ceremony);
 - Physical (access to economics, salmon, clean air and water); and
 - Mental Awareness (health, cultural aspects).
- Sustainable Development is:
 - Native people honouring all resources and giving it back a little at a time;
 - Full consultation of First Nations people before anybody uses it, for our future generations;
 - On -going empowerment of local people to take care of local culture and the wildlife. This will benefit any visitor locally;
 - All things should be equal to our environment. We should treat our environment in a proper way and respect, without competition, how much we should be taking out. We should all respect our country and put back what we take;
 - Representation for the animals. People are not doing business with the animals;
 - Focus on maintaining and protecting healthy systems because the land is what supports us and everything around us now and in the future;
 - Maintaining and protecting Mother Earth;
 - To understand the relationship that we have with our environment;
 - The ability to live and interact with my environment in such a way that meets my needs as well as protects. Knowledge and education are very important;

- Stewardship of lands, resources and the environment to build strong communities for long term gain; and
- Reforestation of logged forests.
- Who is sustainable development for? Are we working for DIAND or band administration? We need sustainable development for band *membership*.
 - Bullet 1: Common issues among neighbouring First Nations and local municipalities must be built upon.
 - Bullet 2: Change “concept” to “principles.”
 - Bullet 3: Delete “wealth.”
- First Nations must be treated as equal partners. Clearly define DIAND’s “partners.” First Nations are not being treated equally, do not share in the responsibility and need stronger input.
- In order to have true partnership, we need to be standing on equal ground.
 - Bullet 4: Change “choices” to “good choices” or “opportunities.”
- “Mutual trust” needs to be defined. Who will define it? It is hard to get over 125 years of mistrust to jump into partnerships.
- “In order to overcome the present skepticism held by First Nations, there needs to be stronger relationships based on mutual trust.”
 - Bullet 5: “Accountable” to whom?
 - Bullet 6: Funding agreements do not provide enough money for First Nations communities to develop. Education cutbacks should not be occurring.
 - Bullet 6: What does this principle mean? Add: “ DIAND to ensure other federal departments are honouring/maintaining their fiduciary obligations.”
 - Bullet 8: Clarify. Are there 2 concepts?
 - Bullet 10: Add “healthy, sustainable communities.”
- Recommend an additional principle: “The principle of environmental restoration to correct past damages”.

- Missing Concepts: There needs to be local control and assessment by those effected. Capacity and community opportunities for employment must be built and linked. Who manages the sustainable development process?
- Mitigation is required to cover the cost of losses (e.g. timber left to rot due to red tape).
- First Nations relationship with business and other governments needs to be re-established with the assistance of DIAND.
- We already have sustainable development within the bands. We need government infrastructure to maintain ourselves.
- Need to develop tools to measure our status.
- Must live within our means.

Issues

Issue 1 - Many First Nations communities do not have the capacity to build and maintain local sustainability.

- The Constitution says that Aboriginal rights exist; but, these are not clearly defined.
- First Nations need resources to hire expertise.
- Where are urban First Nations in the process and document? People are forced to move to urban centres for employment or education. This results in losses of cultural and community ties as well as economic loss.
- Training and development is needed with an emphasis on youth and culture.
- Need to focus on healthy communities through community spirit and culture (including language).
- The only thing being sustained in First Nations communities is poverty.
- Municipalities have a stake in what is happening to First Nations. Reserves are often within or next to municipalities.
- Use "opportunity or resources" instead of "capacity."
- **First Nations Women's Issues** are not being recognized both on and off-reserves. The *Indian Act* eliminates the abilities of women in the mainstream political and administrative structures. Women's groups are not being recognized as legal associations by any level of government. Women's issues include economic development.

- **Elders** - Greater elder input required regarding focus on health needs, housing, and health for off-reserve members. There needs to be unilateral changes to regulations and accountability to elders by Band Councils, governments, etc. Health and care for elders is a concern.
- Socio-economic development, education and cultural development are viewed as part of the same thing by First Nations.
- There is concern over compromising treaty negotiations, the logistics of staffing and resource shortages, and where to put resources.
- Stress the importance of non-commercial plants.
- First Nations people need repatriation of their traditional homelands.
- First Nations need to have control of financial resources, not only over land and the authority to own land, but also that there should be a process for First Nations to self-government and to make their own decisions.

Issue 2 - DIAND needs to work with other government departments to promote sustainable development

- Change “promote” to “insure.” Stronger wording required.

Issue 3 - DIAND must strengthen its sustainable development ethic

- Recommend an exchange of employees: all DIAND employees to spend time on a reserve and First Nations to work at DIAND. Place value on experience and expertise and not just formal education.
- Just because a community is in the treaty process, it should not be penalized.
- There is no apparent code of ethics relating to the SDS.
- Government must “clean up its act.”

Issue 4 - There are unclear and changing responsibilities and related accountability

- DIAND should be structured to work more efficiently.
- A general comment is that there is a need to place priority on settling First Nations specific claims.
- There is jurisdictional ambiguity about who pays for what. Off-reserve (e.g. Metis) get no representation. 70 to 75 percent of members live off-reserve. Activities, tasks and issues

need to be clarified. Off-reserve residents are penalized. Band Councils must know their responsibilities regarding alternative funding agreements.

Issue 5 - Environmental degradation affects the sustainability of communities

- The emphasis has been on money rather than respect for the environment.

Goals

Goal 1: Strengthen communities by facilitating capacity building

- Increase the health and employment in First Nations and be more accommodating to cross-regional First Nations partnerships. This can be implemented now by more training, taxation breaks, resource use diversification, and subsidies.
- Develop more and improved curriculum materials, coupled with a holistic view of the past and future cultural sequences to give greater insights into the history and lifeways of First Nations.
- There are insufficient resources for infrastructure.
- Set up a First Nations Institution for distribution of wealth and to set its own guidelines.
- Capacity includes: abilities; infrastructure; size; leadership; education; funding and, jurisdiction.
- There is no infrastructure or funding. There are First Nations students that cannot come back to work because of a lack of funding. Young people do not have a future. Human resources is lacking because of funding. Need to address fiscal restraint. There is a need for adequate funding to meet basic needs (health, social and housing).

- 1i) First Nations want to be part of the full process and more than just advisors.

Use "assist" instead of "encourage." Must look at obstacles as the first step to understand how DIAND will assist us. Need to negotiate with DIAND about specifically their claims on how they are going to help us. Want help developing an infrastructure plan. Replace "assist" with "adequate funding." If DIAND can do that, we can develop a genuine SDS.

The words "support and finance" be used instead of "encourage."

The objective should be to re-establish pre-existing First Nations' sustainable development goals. Rephrase to "Provide opportunities for First Nations and Inuit people to establish sustainable development goals."

Add Possible Action: 4, "Interim protection measures."

Add "Find the resources to..." to the wording of the objective. Where would these resources (i.e. money, technical support) come from to establish SDS and develop treaty presentation at the treaty table? Put the expertise in the communities. Need the development of "in kind" technical support.

A land registry system would be beneficial.

1ia2) Inuit North of 60% should be reflected in that document.

Need to recognize distinctiveness of Ktunaxa and Kinbasket in reference to traditional knowledge. Define "traditional knowledge."

1ia3) Reword: DIAND to take advocacy role where necessary or requested with other governments and private industry without taking away control from First Nations.

add new objective: Put priority on settling specific claims (on-reserve).

1ii) What does this objective mean? Define "facilitate." "Facilitate" is all encompassing. DIAND must provide service, expertise, resources, etc. for the process. This will be different for each community. Use "assist," "support," "provide resources" instead of "facilitate." Need long term visioning/setting of goals.

What will be the connection between the current Community Development Plan and SDS? Can DIAND amend the capital process to allow a broader interpretation of Community or Physical Development Plan to include sustainable development? Parallel plans must be integrated rather than superimposed. Need to ensure that the communities are educated and aware of the planning process. There should be participatory planning/education process with support from DIAND.

1iia1) Recommend that facilitation of community determination should be done at the local level.

1iia2) The support of community determination of their priorities through partnerships with other agencies is to be accomplished by removing barriers and addressing the "hoops" that First Nations must go through to accomplish their goals.

1iib) The next steps to support capacity needs assessments through partnerships with training or skills assessment are to: assess needs; develop strategies; determine and supply resources; and, implement.

1iia1) needs clarification and 2) "other agencies" needs clarification.

1iia) Action: "Establish and formalize communication links " is unclear. Discussion on the use of technology arose and that DIAND can be a source for "best practices"

information. First Nations need to have full knowledge of policy and policy changes. Verify meaning of "formalization." Make certain communication is proactive with information dissemination that is timely, open, ongoing, and co-operative. First Nations must have input into the communication and the process which develop from that. Onus is on the department to express the support is there. It is DIAND's responsibility to bring issues to the table.

1iia2) Problem with actions: delete 1iia2. DIAND should not interfere with First Nations and private sector.

1iia3) Consider interim measures to overcome financial barriers.

Self-government agreements require equity, specifics and title to aid in overcoming financing barriers to Aboriginal business.

1iv) Speed up land claims process, improve resourcing for referral and administration, e.g.- create a land registry to facilitate the development and approval process for communities.

Too much red tape for leasing development.

The subject of adequate lands base needs to be defined. Many First Nations required additional reserve land to be sustainable for their needs. Land also includes First Nation's traditional territory. Define "adequate land base." The issue about additions to reserves for housing, extraction and co-management was raised. Adding lands to reserves as fee simple lands may be acceptable.

1iv) Support co-management and/or resource benefits for issues outside the department's controls. Establish and develop partnerships based on mutual trust and respect. Remove barriers to accessing natural resources and related jurisdictions. Questions were raised re: treaty making process and why it was included. Participants asked why the treaty is included as treaties are with the federal government and not just DIAND - the treaty process is more inclusive.

Include "grandfather rights" to resources (licenses).

Add "overlapping" (i.e. ".related and overlapping jurisdictions"?).

DIAND needs to address the use of trust accounts. Settlement/Development corporations must be set up in such a way that future generations are protected.

1iva1) Remove "treaties and" from action 1)

1iva2) Change to: "Support co-management and resource benefits through advocacy for issues outside the department's control."

- 1ivb) The comments "First Nations should create their own Environmental Assessment (EA) process" was reconfirmed that KKTC needs to create its own process.
- 1ivc) Preclaim pilot projects. Pilot projects needs to be First Nations directed, identified by First Nations needs, and have First Nations involved.
- 1ivc1) The Possible Action, Start pilot projects needs that anticipate the resolution of treaties, was complemented by the comments that these pilot projects NOT be similar to the FTA program.
- 1v) First Nations want to be involved in strengthening and developing private sector development guidelines at the community or tribal level.

DIAND should assist First Nations to participate and capitalize on conducting business on reserve and assist building expertise at the community level with longer time frames.

Need to train community member to work in the corporate world. Focus on diversification of knowledge and education to accommodate/adapt to the changing workplace.

Need to identify the term strengthen in the target, Strengthen First Nations business environment.

This should be more specific. Add humour.

The next draft should carefully examine the 20-year "federal investment in First Nations communities and economies" identified by RCAP.

- 1va1) DIAND should place emphasis on projects that generate increased economic benefits which produce community versus individual benefits. Resources are required for strengthening. We must recognize that economic development benefits are generated over the long-term and dividends are not paid out overnight. Other barriers to economic development were presented. Taxation issues (which deter the development of opportunities, Indian shareholder investment, property taxation control) need to be addressed and legislation modified. CMHC assessment of land and housing should be reviewed. Programming requires a long-term view. On-reserve economic development workshops require opportunities for member input and languages interpretation services may be needed.

Goal 2: Facilitate and maintain effective partnerships

- Multi-stakeholder decision-making is needed.

- There is no policy for Aboriginal people. All funding is taken up by Health, Education, Environment, and now DIAND wants partnerships with the bands. Will DIAND put this in place?

- 2i) The practice and development of SDS must be managed by local people and decisions made by local people. The SDS process must be First Nations controlled.

Create tripartite committees to deal with issues like economic development.

Communities need to have more to say. If we had control of our natural resources then we could look after ourselves.

- 2ib) Policy review is important and policy review needs to be improved, e.g. FTA agreements and its restrictiveness of programming .

- 2i; 2ii) First Nations must be part of the decision-making process. This involves the

- 2ii) consultation process, any kinds of changes, policy, or *Indian Act*. Any change of policy will be done through informed consent. Change "consultation" to "decision-making" and "informed consent."

- 2ii) Urban association representation is needed with accountability to the off-reserve membership. Urban people must have input to the issues.

There needs to be an open and true consultation process that includes provincial interaction and interim measures.

Consultation needs to be meaningful across the board and not just with DIAND. Consultation needs to be commonly understood.

Establish First Nations Advisory Councils that have veto power on the decision made on five year plans for large mills with adequate resources to build administrative infrastructure.

Create and adopt a mutually acceptable First Nations protocol.

Consulting process:

Require support for consultation process within communities – financial, technical, time. Is there provision in DIAND's SDS for First Nations to develop their own SDS. The short time line imposed by the federal government is imposing undue pressure on the decision-making process.

Other federal departments MUST consult with First Nations on SDS.

First Nations to develop own consulting policies.

2iib1) Add "...with First Nations at local/regional input."

2iic) This target modified by adding ...and other federal agencies involved in First Nations initiatives. First Nations should identify issues not the federal government.

2iii) Move to Goal 1) Training and equipment required. A base standard is needed to ensure everyone can participate. A Human Resources database is needed to enable First Nations to access expertise.

DIAND needs to assist and facilitate information sharing of First Nations projects, statistics, etc. to further assist in networking amongst Nations.

DIAND and the federal government should be open to the creation of mechanisms for effective communication to ensure co-ordination of policy.

Communication is to be emphasized. Information on best practices should be shared.

Create cross-cultural awareness workshops for major corporations.

2iiia2) A national database on innovative housing practices should ensure that First Nations have access and can utilize the information. Resources and training should be provided.

Goal 3: Integrate sustainable development into departmental decision-making

3ii) DIAND must have a better understanding of community goals. There have to be linkages for capacity building.

Goal 4: Clarify and define roles, responsibilities and accountabilities of DIAND and its partners in all activities supporting sustainable development

- The partners referred to in this goal are to include other government departments, First Nations, and partnerships.

- Define: partners and accountability

4i) DIAND has a fiduciary responsibility to meet our community needs. If that can be done then we can talk about Sustainable Development. Our community is in the state of poverty. We need to be adequately resourced by the department.

DIAND should take a role to ensure impact from downloading of programs/responsibilities from the federal government to the province is minimal. It should also provide access to funding, information and resources.

- 4i) Gaming and mineral rights should never have been taken away by the government.

Add "... in consultation with First Nations".

Different cultural perceptions of accountability, responsibilities and authorities need to be considered.

There must be a proper accountability framework in place and local solutions to local problems.

How much time and money should be spent to making sure there is accountability?

Accountability process and the outcome need to have benchmarks. Accountability should be mutual and should include bands, government agencies, peoples, private companies, and municipalities.

DIAND should be an advocate for First Nations. It has to assist First Nations to become sustainable in their own communities. DIAND should be an advocate for us to deal with problems with other federal governments and get through barriers.

DIAND should be an advocate for First Nations when it comes to natural resources issues. Specifically, such as the impact of fish farms on clam beds. The role of DIAND should be defined.

First Nations people should audit DIAND.

DIAND must consult with First Nations and create a First Nation protocol on SDS, Band by Band, and at the Tribal Council level.

This process and standards must also apply to unregistered leases on lands, and DIAND must enforce. Chief and Council have responsibilities but not control on unregistered leases. They need the support of DIAND to enforce the standards on these unregistered leases.

DIAND to co-ordinate a review of all federal departments' SDS to determine impacts to First Nations.

DIAND should educate other federal departments on impact/role of First Nations in their departments.

DIAND should fund a five year economic development plan for First Nations CEDOs. First Nations' priorities are training and job creation.

DIAND must recognize the sustainability of the entire First Nations community. Should provide opportunity for First Nations to work together re: resource use, business employment, etc.

DIAND must support the band in their decisions. DIAND is there for the bands and must act as the federal government with respect to their initiatives, e.g. with the legislation process.

DIAND must acknowledge protected aboriginal constitutional rights and interests and assist First Nations to some degree of legal protection of culturally significant intellectual property.

Reduce administration time lags, transfer authority to bands.

DIAND must fully realize what its external obligations are under the environmental laws.

- 4i) Is training of council, staff or community members regarding corporate structures and liaisons a DIAND responsibility?

There should be support from DIAND such as meetings with neighbouring municipal governments and liaison services.

DIAND should insure that First Nations or individual benefits are distributed evenly.

Goal 5: Maintain and support healthy environments

- Change to: **"Restore and maintain healthy environments."**
- Add objective: "Advocate the strengthening and enforcement of environmental laws (e.g. - pollution, emissions, resource management - wildlife, coal dust, sewage disposal affecting shellfish)".

- 5i) Strengthen action; increase monitoring to ensure all problems are dealt with; expand power of bands to prosecute polluters; complaints to Department of the Environment go unheeded.

Recognize that clearcutting has a negative effect on wildlife.

Add "Address off-reserve problems that affect First Nations communities."

Hunting, fishing and gathering policies to protect traditional use.

- 5ia) The environmental issues inventory only applies to reserves.

- 5ii) Add "Develop Environmental Management Systems (EMS) in First Nations communities taking into account key ecological components and factors that might affect those components."

Proper management of outdoor recreation is needed to protect the environment.

Action regarding EMS is unclear (Target 1). Current infrastructure cannot keep up with population growth. More funding from DIAND is needed to enable bands to have environmental management capacity (e.g. to hire biologists). Everyone needs equal access to funding to manage the environment.

5iia) Modified suggested actions:

Review the Environmental Management Systems.

Develop and implement a strategy.

Support the use of EMS.

5iii) Traditional land management practices must be recognized.

Need to balance aboriginal/non-aboriginal harvesting rights.

Greater resources must be provided for capacity building in resource management.

DIAND should pressure provincial government to use FRBC money to provide forestry and wildlife infrastructure.

Stress that processes developed by First Nations have originality built into them.

5iii) Streamline the process to be results and needs based. There are many opportunities for First Nations to collectively manage resources. There are opportunities for pilot projects and economies of scale. Always be aware of the treaty process and that joint management has political implications.

DIAND should facilitate and promote First Nations' development concerns and control of their activities on reserve (i.e., right of way clearing, and other right of way activities and policies) including the return of land. DIAND to promote communications between companies such as BC Hydro, BD Tel, cable companies, etc. with First Nations.

5iiic) Delete. There is a strong objection to the comment. First Nations already have the knowledge and ability to manage their natural resources. DIAND needs to recognize, strengthen and support First Nations knowledge, e.g. to transfer knowledge from elders to managers. Need funding to train and hire community members.

Change target: Recognize and strengthen First Nations ability and knowledge to manage natural resources.

5iiic3) Why create more bureaucracy?

5iiic4) Change to: "Consider and support pilot projects to explore ways to increase knowledge to manage natural resources."

- 5iv) Instead of enforcement officers or by-laws, there could be a mediation process because it is more reflective of our culture.

Define/describe the “New Housing Policy” and First Nations Housing Task Force. What are they and what are the implications to the community?

Most actions require substantial funding. Ensure more funding to bring First Nations up to national standard (i.e. housing, roads, education, etc.).

Look for efficiencies/explore alternative financing of infrastructure construction. Planning process must consider sustainability and availability of future resources. There are infrastructure needs other than water, sewer and housing that need to be considered.

Infrastructure does not just refer to sewer and water but also to administrative infrastructure for a proper process for all levels of First Nation technical and policy personnel.

What is the “First Nations Task Force”? What is its purpose?

Develop a program that addresses non-compliance of mitigation requirements and exemptions that directly affect our communities (e.g. Vancouver Island Highway, DeltaPort construction); harmonize on-reserve with off-reserve requirements.

- 5iva) Reword: “ Increase standards for water and sewer, road /transportation service with First Nations communities to meet acceptable standards.”

- 5iva1) Change reallocated to prioritized and provide further definition.

- 5iva2) Reword: “Analyze or review existing operation and maintenance funding for community infrastructure and facilities.”

- 5iva3) Add “... and infrastructure (i.e., water, roads, maintenance, etc.).”

- 5iva5) This target should include adjacent lands to reserves. DIAND suggested that it can facilitate the improvement of adjacent land. Examples of adjacent land concerns were given Lower Kootenay Band and the Columbia Lake Band’s concerns regarding water, sand and gravel.

- 5iva6) Community level planning:” should be stronger wording. There has been enough planning and studies, there must now be more implementation. More funding is required.

- 5ivb) Needs to include both existing and new housing.

Actions are poor. Need to increase subsidy levels. Housing standards are too low.

Add a third possible action:

3. New houses require additional land to reserve lands including the review of house size, and land acquisition policies.

We should not be speaking of a housing task force now. Housing concerns should be dealt with in housing policies. Focus of housing policies in this forum should be related to SDS practices on housing planning and construction, i.e. separate systems versus community. Example: St. Mary's housing which on some parts of the reserve have individual septic and water systems which do not permit new housing in the area. Policies should be co-ordinated between authorities.

- 5v) Water must be protected to protect fish habitat. Protect cultural values through the protection of plants and medicine.

Scwepine Land Use Committee to monitor/regulate.

New Goal (Proposed in Hazelton, BC)

Goal: Provide access to economic, cultural, and political resources. The only resource now available is "welfare." Sustainable development means gaining access.

Target: Funding arrangements for sustainability

Objectives:

- political will for transfer of authority to implement socially and culturally appropriate initiatives;
- flexibility/freedom over spending;
- planning and accountability; and
- meaningful participation (e.g. referral planning), cultural reconciliation; inclusive decision-making.

Possible Actions:

- long term planning encouraged [e.g. pilot projects are not penalized; treaties solution with guaranteed FA (block funding)];
- FA's need to allow for annual adjustment (e.g. population/price-indexed); and
- economic, social, educational, and healing issues need to be considered and planned for together. Priorities and a common vision need to be set.

Performance Measures for Evaluation for Proposed Goal:

- results-oriented (e.g. Dogwood certificates vs Leaving);
- spending to results ratio (education plus other programs);
- equal pay for equal work (e.g. band administration vs federal employees);
- effectiveness of existing DIA policies (one criteria = participation);
- evaluation of devolved programs;
- number of people dependent on SA vs Self-reliant;
- equity of FA's (new formula) – location, access to resource, cost sharing;
- need assessment linked to annual adjustments;
- population;
- allocations; and
- look at capital plans, how close they are to meeting goals subject to availability of funds.

Conclusions

Overall, First Nations participants expressed the need for DIAND to work on improving its relationship with them in order to work co-operatively for sustainable development. The medium was the message, as Phase I and Phase II could be seen as the beginning of an evolving process of co-operation. This was felt quite explicitly at the national meetings in Hull, Quebec, in September 1997, where participants left a week of difficult negotiations feeling that the foundation for strong relationships had been forged and that change was at hand.

The 12 main themes and the supporting practical suggestions that followed emphasized the kinds of values that are essential for sustainability: respect, self-determination, identification with one's natural environment, identification with one's culture or community, local knowledge, flexibility and balance, among other things. It is precisely these kinds of messages that Aboriginal peoples contribute uniquely to discussions about sustainable development. If DIAND can learn to "walk before it runs", it will discover that it has a great advantage compared with other government departments with respect to learning how to "do" sustainable development.

All of this potential aside, First Nations participants in this process were highly skeptical about DIAND's sincerity to implement sustainable development. They were nevertheless highly supportive of the effort if results are true to their recommendations. This report is intended to facilitate the accurate transfer of information from the discussions that occurred in 1997 to

implementation in 1998. Consensus was reached regarding the future of DIAND's SDS at the national meetings. Its most appropriate use is as a framework, to be used in conjunction with this report, others like it, and further community discussions for substantive decision-making to move toward sustainable development.

Annex 1: Selected Excerpts from Toward a Sustainable Development Strategy for DIAND (draft, May, 1997)

Sustainable Development Principles

The department's own understanding of sustainable development is growing and evolving. It considers that:

- sustainable development is a continually evolving process bringing together social, economic and environmental concerns;
- the concept of sustainable development will guide all of DIAND's activities;
- development is needed to create opportunities, wealth and choices for all of DIAND's partners; and,
- development must proceed in a way that leaves choices available for future generations.

With relationships based on mutual trust, DIAND will work with its partners to achieve sustainable development. They will be guided by the following principles:

- open, inclusive and accountable decision-making;
- honouring its treaty, international and fiduciary obligations;
- considerations of economic viability, culture and environmental values, as policies and programs are developed;
- provision of fair and equitable opportunities to allow those who bear the risks and impacts to benefit from development;
- respect for diverse cultures and traditional values;
- respect for the land and its diversity as the foundation for healthy communities;
- consideration of transboundary and cumulative impacts in decision-making; and,
- efficient use of natural resources and minimization of pollution in departmental operations.

Goals, Objectives, Targets, Actions

Goal 1

Strengthen communities by facilitating capacity building

This goal responds particularly to issue No. 1.

Objectives:

- i) Encourage First Nations, First Nation institutions and Inuit people to establish their own sustainable development goals
Targets:
a) Self-government agreements, treaty-making processes and land claim settlements that reflect sustainable development
Possible actions:
 1. Use sustainable development principles in negotiating self-government agreements, the treaty-making process and in settling land claims.
 2. Acknowledge and support the integration of traditional knowledge in decision-making.
 3. DIAND to take an advocacy role with other governments and private industry.
- ii) Facilitate the community-based assessment of needs and priorities for building development capacity, where requested by First Nations.
Targets:
a) Community expression of First Nations' own priorities for sustainable social and economic development
Possible actions:
 1. Facilitate communities' determination of their priorities for capacity-building through mutually-accepted consultation process.
 2. Facilitate communities' determination of their priorities through partnerships with other agencies.
 b) Understand the capacity needs of each community to achieve their development priorities (i.e., human resources, skills, and social infrastructure)
Possible actions:
 1. Facilitate community-based capacity needs assessments through mutually-accepted consultation processes, e.g., to determine capacity requirements for implementing treaties.
 2. Facilitate capacity needs assessments through partnerships with training or skills assessment institutions
- iii) Facilitate partnerships
Target:
a) Workable partnerships for self-governance
Possible actions:
 1. Establish and formalize communication links.
 2. DIAND to help forge business partnerships between First Nations and the private sector.
 3. Overcome financing barriers to Aboriginal business.
- iv) Remove barriers to accessing natural resources and related jurisdictions
Targets:
a) Adequate land base and controlled/shared jurisdiction over resources
Possible actions:
 1. Negotiate treaties and self-government agreements and outstanding claims for issues inside the department's control.
 2. Support co-management through advocacy for issues outside the department's control.
 3. Provide training for individuals interested in a career in natural resources and the environment.

- b) Resolved conflicts between expressed needs and legislation
Possible actions:
 - 1. Change legislation to make it less restrictive to First Nations' needs.
- c) Preclaim pilot projects
Possible actions:
 - 1. Start pilot projects that anticipate the resolution of treaties.
- v) Remove barriers to economic development
Target:
 - a) Strengthened First Nations business environment
Possible actions:
 - 1. Focus on long-term employment opportunities.

Goal 2

Facilitate and maintain effective partnerships

This issue responds to several of the issues identified in this paper, but particularly issues Nos. 2, and 4.

Objectives:

- i) Involve First Nations in Departmental decision-making
Targets:
 - a) First Nation/DIAND management committees at a regional level
Possible actions:
 - 1. Establish a committee structure
 - 2. Identify participants
 - 3. Jointly develop mandate/roles and responsibilities
 - 4. Implement committee meetings
 - 5. Evaluate progress and adjust process where necessary
 - b) First Nations participation in review of DIAND policies and programs
Possible actions:
 - 1. Discuss participation with First Nations (e.g. who, where, why, when, what?).
 - 2. Discuss and agree on priorities for policies and programs to be reviewed by headquarters.
- ii) Develop a mutually accepted consultation process
Targets:
 - a) Jointly developed framework for meaningful and effective partnerships
Possible actions:
 - 1. Establish key elements of consultation with each party
 - 2. Identify key/necessary requirements
 - 3. Pull together common elements
 - 4. Negotiate and agree on remaining elements (e.g. when to consult, what issues, and other parameters of consultation)
 - b) A common vision of partnership
Possible actions:
 - 1. Follow up commitment to improving partnerships as identified by senior management.

- c) First Nation participation in other government departments/provincial policies and plans (resource management and environment) assisted and supported by DIAND

Possible actions:

1. The development of a federal government - First Nations Sustainable Development Strategy.
2. First Nations to complete the accountability and management assessment.
3. Conduct pilot project to improve block funding.
4. DIAND to work with other government departments to develop a "Canada" transfer agreement.

- iii) Set up a communication networks

Target:

- a) Coordinated cross-department and First Nation programs, databases and shared information

Possible actions:

1. DIAND to bring other governments, departments, agencies together to address shared Aboriginal issues.
2. Support a national database on innovative housing practices within First Nations and the industry in general.

Goal 3

Integrate sustainable development into departmental decision-making processes

This goal responds to issue No.3.

Objectives:

- i) Get senior management buy-in

Target:

- a) Senior Management Commitment

Possible actions:

1. Deputy Minister to identify sustainable development priorities for negotiation in management contracts
2. Include sustainable development terms, conditions, targets in management contracts
3. Create linkages to new internal "leadership initiatives"

- ii) Build awareness

Target:

- a) Branch workshops on sustainable development and the strategy

Possible actions:

1. Allocate resources.
2. Design/implement workshops.
3. Establish ongoing workshop follow-up mechanisms.

- iii) Review policies and operations

Target:

- a) Policy and program and regulatory review harmonized with sustainable development

Possible actions:

1. Develop a sustainable development audit approach.
2. Identify initial priorities for assessment.
3. Work with Commissioner (AG Office) on Sustainable Development

4. Align program delivery with sustainable development principles to ensure consistency of application.
 5. Respond to recommendations in the *Baseline Study of Grants, Subsidies and Taxes and Taxes to Identify Barriers to Sound Environmental Practices*.
- iv) Coordinate, advise and monitor sustainable development initiatives
- Target:
- a) A sustainable development assessment process to screen all new policy/legislation/programs
- Possible actions:
1. Assign responsibility to Policy and Strategic Direction.
 2. Strengthen sustainable development assessment capacity in Policy and Strategic Direction.
 3. Initiate departmental guidelines on sustainable development assessment of policy / legislation / programs.
 4. Incorporate linkages with First Nations, other government departments and cross link with other goals.

Goal 4

Clarify & define the roles, responsibilities and accountabilities of DIAND & its partners in all activities supporting sustainable development

This goal responds primarily to issue No. 4.

Objectives:

- i) Identify accountability criteria
- Target:
- a) Identified responsibilities and defined roles
- Possible actions:
1. Define and agree upon roles, responsibilities and authorities of First Nations, DIAND and other government departments.
 2. Initiate discussions about guidelines to address shortfalls/gaps and duplications

Goal 5

Maintain & support healthy environments

This goal responds primarily to issue No. 5.

Objectives:

- i) Assess, reclaim and remediate sites
- Target:
- a) Implemented remediation plan for all outstanding sites as identified through the environmental issues inventory (EII)
- Possible actions:
1. Continue and complete the response to EII results.
- ii) Strengthen First Nations environmental management capacity
- Target:
- a) First Nation environmental management capacity integrated into needs assessment process (under Goal 1)
- Possible actions:
1. Support the use of environmental management systems (EMS).
- iii) Facilitate First Nations natural resource management capacity and decision-making
- Targets:
- a) Off-reserve natural resource co-management agreements

- b) Devolved authorities in natural resource areas to First Nation organizations (on-reserve)
- c) Strengthen First Nations ability and knowledge to manage natural resources
Possible actions:
 - 1. Establish a federal First Nations working group.
 - 2. Working group to evaluate and develop an energy strategy to support the effective use of renewable energy technology, energy conservation and alternate energy sources.
 - 3. Environment and Natural Resource Directorate to support forest-based economic development.
 - 4. Consider pilot projects to explore ways to increase knowledge to manage natural resources.
- iv) Improve living conditions
Targets:
 - a) Increased water and sewer service within First Nations communities to meet acceptable standards
Possible actions:
 - 1. Ensure that any reallocated funds are used to install or correct deficiencies in priority health and safety water and sewer projects.
 - 2. Develop, conduct and review the operation and maintenance of community infrastructure and facilities.
 - 3. Support First Nation staff training to carry out maintenance of community facilities
 - 4. Complete operation and maintenance compliance review.
 - 5. Decommission and upgrade fuel storage facilities and waste sites to the accepted standards in cooperation with First Nations.
 - 6. Support community-level planning through comprehensive planning process.
 - b) Increased number of houses which meet basic housing standards in First Nations communities
Possible actions:
 - 1. Implement the new housing policy.
 - 2. Support a First Nations Housing Task Force.
- v) Establish consistent environmental regulatory regimes
Target:
 - a) Mutually accepted environmental regulatory regime on-reserve
Possible actions:
 - 1. Through a mutually accepted consultation process develop a regulatory system that harmonizes on and off-reserve regimes.

Confederacy of Treaty 6 First Nations

and

Alberta Grand Council of Treaty 8 First Nations

Sustainable Development Strategy Workshops

A Report from the Sustainable Development Strategy Workshops
held on August 19 & 20, 1997

September 20, 1997

IMS Treaty Caucus, Sustainable Development Strategy Workshop

DRAFT November 3, 1997

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Introduction

The First Nations of Treaties 6 and 8 in Alberta that participated in this review of the "Phase II" draft document, "Towards a Sustainable Development Strategy (SDS) for the Department of Indian Affairs and Northern Development (DIAND)," were unanimous in their assertion that the process did not constitute true "consultations". Instead, and in keeping with the submission (Appendix Two) made by the Grand Council of Treaty 8 First Nations for "Phase I," the First Nations of Treaties 6 and 8 agreed to convene in a workshop setting to discuss the document and, more importantly, develop an appropriate process for true consultations.¹

For several reasons, participants rejected the notion that the product submitted to Ottawa on their behalf for further discussion would represent consultations. These will be addressed briefly below.

Alberta Region did not commit to disburse consultation funds to review the SDS document until August, despite the fact that the first proposal from the Integrated Management Strategy (IMS) Treaty Caucus was submitted in May 1997. DIAND's initial schedule called for consultations in Ottawa the week of September 8, 1997, leaving the IMS Treaty Caucus less than four weeks to complete even a cursory review during the period of the summer when technical staff and political leadership are least available. Accordingly, participation in the review was significantly less than would have been possible had the Region been more responsive to the IMS Treaty Caucus' first submission.

First Nations do not agree with the piece-meal introduction of different initiatives by DIAND, none of which can be logically discussed in isolation and without reference to one another. It is frivolous to discuss the SDS without being able to reference these other initiatives, including the Royal Commission on Aboriginal Peoples (RCAP) report, DIAND's "Framework for Action," and the Lands and Trusts Services (LTS) Sector Plan. The approach currently favored by DIAND staff reflects the bureaucratic tendency to stake out and protect "turf" within the Department. This notion of separate, discrete elements emphasizing isolated issue sets cannot be reconciled with First Nations communities which are of a piece, whole and indivisible. Admittedly, the concept of sustainable development is an attempt at integrated thinking, but the left hand of DIAND is unaware of the goals and objectives of the right hand. How, then, are First Nations to feel any confidence in a "consultation" process that is supported by only one unit within DIAND at the Regional level? In addition, the fact that the more contentious questions raised in Alberta during "Phase I" were not acknowledged anywhere in the "Phase II" draft is disappointing.

It is equally illogical to discuss SDS, or any other of the above initiatives, without the participation of other government departments, such as the Department of Environment or the Department of Fisheries and Oceans, and other levels of government, particularly the provinces. First Nations reserves do not exist as isolated islands in the Canadian mainstream and cannot be micro-managed; provincial jurisdictions, with the authority to manage adjacent lands, must participate in any discussion of sustainable development for it to be meaningful.

¹ See "Workshop Delivery" for the explanation of Treaty 7's absence from this process.

Any discussion of SDS, self-government, or any other so-called negotiation between the federal government and First Nations, begins from a position of inequality which necessarily hampers the resolution of any issue. First Nations peoples have been disenfranchised by government policy and legislation and exist in a condition of enforced dependency upon the "goodwill" of government. The treaties, and the principles informing them, have not been honored. The treaties contain the promise of European descendants not only not to destroy the land, a shared resource, but also not to destroy the relationship of First Nations people to the land. The exchange of "land" for "money" (health care, education, housing, social welfare) is a poor substitute for the promise articulated in the treaties.

The treaties into which First Nations entered contained within them provisions for the sharing, in perpetuity, of the natural resources that prompted European migration to this continent. The Natural Resources Transfer Act of 1930, which awarded authority over natural resource extraction and development to the provinces, is a betrayal of the treaties in that it prevents First Nations people from "living" their relationship to the land or sharing in the wealth of this country. Instead, they are expected to receive gratefully from the government social assistance payments that are inadequate to build healthy communities. First Nations possess none of the currency, fiscal resources or political power of Canadian society with which to negotiate change. The media obsess over the relationship between Canada's "two solitudes": francophone and anglophone; First Nations people have been reduced to margins so remote that most of mainstream Canada does not even feel that First Nations merit discussion unless it is in connection with charity and not with justice.

Sustainable development, which includes not only the environmental impact of natural resource development but also the social and cultural impact of community, human resource and economic development, is too often discussed with reference only to environmental impacts. DIAND is to be commended for broadening its horizon to include community, human resource and economic development. However, to First Nations, sustainable development is essentially a governance issue. The question is to what real degree is the government willing to provide to First Nations the tools required for self-determinacy? Consultations on "sustainable development" must involve the political leadership of First Nations and the federal and provincial governments.

Unfortunately, First Nations have no leverage, capital or political influence to bring to bear in negotiation with any level of government. As it stands, the only recourse available to First Nations, should they fail to reach a mutually acceptable position with government through negotiations, is to engage the judicial system. However, that institution is, in many ways, alien to First Nations cultural practices and values, and its judgements do not always acknowledge traditions practiced on this continent, an alternative "common law," that are thousands of years old. Accordingly, First Nations are reluctant to engage the wheels of mainstream justice since its judgements are binding and do not, beyond a certain level, admit appeal.

Government attempts to improve living conditions on-reserve, a complex web of issues embracing the environmental, human resource, community, social and economic aspects of sustainable development, as well as efforts to preserve cultural values and traditions only address the symptoms and not the agents of "ill-health" in First Nations communities.

These objections stated, and despite the suspicion expressed at the beginning of both workshop sessions, participants from Treaties 6 and 8 endeavored to review the proposals put forward

for discussion by DIAND in the draft document and to offer their commentary regarding the same.

Background

The Confederacy of Treaty 6 First Nations is noted as submitting a two-page letter for "Phase I" SDS consultations that it prepared in association with the Alberta Treaty Nations Environmental Secretariat (ATNES). The content of that submission is not known to the authors of this report at this time.

The Treaty 7 Tribal Council, so far as is known, did not participate in the "Phase I" SDS consultations. Treaty 7 also withdrew from this process in favour of sponsoring one independently. Their submission on "Phase II" consultations will be submitted under separate cover.

In December of 1996, the Grand Council of Treaty 8 First Nations in Alberta organized a sustainable development workshop. Grand Council submitted an extensive report outlining the process and feedback provided by the First Nations that participated, titled "Towards a Sustainable Development Strategy", dated December 20, 1996, and attached as Appendix-Three.

Workshop Preparations

The Integrated Management Strategy (IMS) Treaty Caucus planned initially to deliver three sustainable development workshops, one for each Treaty area, to review the draft SDS distributed by DIAND.

The Treaty 7 Tribal Council elected one week before the workshop scheduled for its area to withdraw from the process being conducted by the IMS Treaty Caucus due to the short timeframe. (Since the extension to September 22 was announced, Treaty 7 has attempted to hold an independent SDS workshop.)

Even though the timeframe to complete the workshops was unreasonable (as described above and below), the IMS Treaty Caucus undertook to gather input from the First Nations of Treaties 6 and 8 for submission to Ottawa rather than risk losing the opportunity entirely to contribute to the SDS process. These workshops also enabled Alberta First Nations to identify, in the Region, the problems encountered with the consultation process and to define, for themselves, an acceptable process for further consultations in the future.

Agenda Setting

The IMS Treaty Caucus organized an advance meeting between First Nations and DIAND representatives to focus the agenda for the workshop sessions and to articulate specific areas of concern in advance. This session provided DIAND officials with the opportunity to prepare a response to those concerns.

Attendees included:

ALBERTA

IMS Treaty Caucus

- Dr. James "Doc" Coker, Treaty 8 representative to IMS

Confederacy of Treaty 6 First Nations

- Chief Ron Morin, Enoch First Nation
- Mr. Norman Calliou, Technical Advisor
- Ms. Stephanie Bishop, Health Policy Analyst

Alberta Grand Council of Treaty 8 First Nations

- Chief Jim Boucher, Fort McKay First Nation/Secretary-Treasurer, Alberta Grand Council of Treaty 8 First Nations

DIAND, Alberta Region

- Mr. Marcel Boutet, Director, Lands and Trust Services
- Mr. Ralph Bouvette, Director, Intergovernmental Affairs and Policy
- Mr. Dennis Massey, Policy Officer

Chapel Rock Consulting Services

- Mr. Michael Evans
- Mr. Burn Evans

EBA Engineering Consultants Ltd.

- Ms. Melinda Clendenan

All present agreed Alberta Region had failed in its obligation to work with First Nations to effect a timely consultation process. The resulting time constraints would necessarily reduce the effectiveness of the process and have a negative impact upon First Nations participation. Accordingly, all parties agreed to submit Alberta's submission with the caveat that it be recognized as the end-product of a series of workshops and not representative of true consultations. It was also agreed that all parties would acknowledge the inadequate timeframe in future correspondence with Ottawa.

Additional concerns were raised about moving the process forward in isolation without involving other DIAND initiatives, federal government departments or provincial agencies, such as Health and Environment Canada and Alberta Environmental Protection. Doc Coker explained that Treaty 8 had invited participants from other agencies to its Phase I SDS workshop. Nonetheless, this process made no allowances for the Framework for Action, LTS Sector Plan or the RCAP report.

The First Nations present asserted that the fundamental issue remained one of governance and that, until First Nations were empowered to act independently, inviting other agencies to discuss SDS, or any other initiative, with First Nations was counterproductive when jurisdiction remained with DIAND.

Some of these issues are beginning to be addressed with the Government of Alberta in Memoranda of Understanding and Co-management Agreements. However, most of these are in their infancy and the degree to which they will allow First Nations peoples to contribute to management decisions affecting traditional lands remains to be seen.

Those present agreed that the circumstances under which the workshops could be offered dictated a narrowed focus. Although there were other issues appropriate for discussion and other participants that could make meaningful contributions to the process, it was decided that the focus should remain on DIAND's draft SDS document.

Chapel Rock and EBA Engineering shared preparatory duties for the SDS workshops. In particular, EBA prepared information packages and worksheets for workshop participants to focus their discussion on the draft document.

Workshop Delivery

Workshops were held August 19 and 21, 1997, for Treaties 6 and 8 respectively, at the Chateau Louis Conference Centre in Edmonton, Alberta.

A total of 40 participants from the various Treaty areas were in attendance during the two days of workshops. First Nation representatives included Elders, technical advisors, Council members and Chiefs. DIAND had three representatives attend the sessions for the purpose of providing background information and observing First Nation participation.

The workshop was facilitated by Michael Evans, of Chapel Rock Consultants, and Melinda Clendenan of EBA Engineering Consultants Ltd. Both facilitators have extensive experience in working with First Nation communities in Alberta and are familiar with the environmental issues specific to each Treaty area.

Within ten minutes of beginning both workshops, participants made it clear they had little interest in reviewing a government document line by line. Instead, participants chose to take the opportunity to voice their concerns over governance and developmental issues.

Within that context, presentations were made illustrating the connection between the Environmental Issues Inventory (EII) undertaken by DIAND, Alberta Region, and the development of Environmental Management Frameworks (EMFs), as an example of grassroots sustainable development.

EMFs provide the criteria for Chiefs and Councils to begin to implement the principles of sustainable development with respect to environmental management of reserve lands. The basic principles that form the foundation for EMFs, such as lifecycle planning, could be transferred to other initiatives, to community and economic development, all of which could be rolled into a comprehensive sustainable development strategy for each individual reserve. Participants were much less interested in helping DIAND to meet its obligation to report to Parliament and then

to the Commissioner on Sustainable Development, than they were in identifying the processes whereby individual First Nations could develop a SDS for implementation on-reserve.

Of course, there is considerable overlap between the “Motherhood” statements contained within DIAND’s draft document and the principles desired by First Nations to create SDSs for every reserve, along the lines of EMFs.

The IMS was also described as the effort of a technical organization to develop capacity to manage lands, natural resources and environmental issues within Alberta First Nations. An overview of current initiatives was brought to the attention of all participants. The IMS Treaty Caucus emphasized the importance of three elements to capacity-building: human resource development and training, tools, and adequate information.

The comments that emerged through the free ranging discussion at both workshops have been distilled and applied to specific line items within the draft SDS document. This should simplify analysis of the comments supplied through the Treaty 6 and 8 workshops. When the document was addressed directly, participants usually agreed with the goals, objectives and targets identified. However, there was considerable suspicion about DIAND’s commitment to the same. Accordingly, participants often discussed the draft SDS within the context of the many barriers foreseen by First Nations that would impair their ability to work toward self-sufficient sustainable development.

Specific issues have been noted in italics where appropriate.

A complete list of the workshop participants and their affiliation is provided in Appendix One.

SDS Draft Responses

Goal 1: Strengthen communities by facilitating capacity building.

Participants agreed that capacity building at the community level is critical to the welfare of their communities. However, there were a number of concerns registered with respect to the means whereby capacity can be built on-reserve.

Different programs within DIAND itself are engaged in different training initiatives and the funding of other activities that could be complementary. Current departmental practice pits different groups against one another in a competition for funding rather than focusing on the objective, which is to train First Nations people and provide the necessary tools. For instance, in Alberta, the LTS Sector Group has been working with the IMS Treaty Caucus to build capacity; Capital has been funding the Technical Services Working Group as a devolution authority to whom responsibility to undertake specific activities may be transferred.

Another concern registered repeatedly was the requirement for universally accepted standards for on-reserve activity to be identified for use or improvement by First Nation Chiefs and Councils. “Capacity” means nothing without criteria.

Many participants recognized that building capacity had the consequence, attractive to governments looking to reduce spending, of providing the opportunity to off-load the responsibility to undertake specific activities. Concern was registered that the funding “saved”

by this strategy would not reach First Nations organizations and people but would instead disappear into the “sound fiscal management” vacuum.

Objective

- i) Encourage First Nations, First Nation institutions and Inuit people to establish their own sustainable development goals.

This was agreed to almost unanimously. Participants emphasized the need to identify and implement strategies at the community level, rather than subscribing to a nationally prepared SDS script.

Possible Actions

1. Use sustainable development principles in negotiating self-government agreements, the treaty making process and settling land claims.

Participants registered the concern that land claim settlements often dictate the use of both lands and compensation funds. In particular, monies placed in trust are often encumbered with the restriction that they be used only to purchase additional land. This encumbrance enforces the adoption of an agricultural economy on-reserve regardless of whether or not that is congruent with an individual First Nation's interests. Alternate cultural preferences or economic opportunities are effectively disqualified from consideration. In addition, it is the experience of First Nations, particularly in the south of Alberta, that the surrounding mainstream community often unites to discourage land purchases by “price-fixing” available land.

Participants also said that it is their experience that land claims are delayed so that industry and government can extract the natural resources from the area in question before turning it over. First Nations are then left with land that has been spent, literally and figuratively.

2. Acknowledge and support the integration of traditional knowledge in decision-making.

Though all participants agreed that this statement represented a good principle, they again stated their suspicion. Traditional knowledge is always integrated on-reserve through Elders councils and other mechanisms. However, the greater impact is development off-reserve and the experience of First Nations in this instance is that traditional knowledge is collected by developers and other government agencies only to be dismissed out of hand. Several examples exist in Alberta, including the Oldman River Dam, the Swan Hills Special Waste Treatment Centre, and the proposed Cheviot Mine. Requesting that First Nations people share traditional knowledge only to have that knowledge cast aside is more insulting than not to be consulted at all.

Mainstream culture fails to recognize that First Nations do not restrict citizenship in the community of the world to human beings. Plants and animals also have their place within the circle of creation and cannot be treated simply as commodities. It is the European culture's failure to connect with nature that has brought it to this point of crisis. The so-called “paradigmatic shift” acknowledging that the Earth is a single community, a web of life on the skin of the planet, is at the heart of traditional knowledge and has informed First Nations cultural values for thousands of years.

At the same time, because First Nations' relationship with the land remains sacred, despite being compromised by the modern industrial/chemical world, there is great reluctance to share traditional knowledge with mainstream culture because experience demonstrates only that it will be exploited by the unscrupulous. The same care must be taken to preserve First Nations religious institutions as is taken by mainstream culture to preserve European institutions and those of other immigrants to this country.

One of the travesties repeatedly worked upon First Nations people is that once sacred sites are identified, other jurisdictions move in and make tourist attractions or historical monuments of these sites. The living entity is effectively stolen from First Nations people in the name of Western archaeology and converted into a dead monument.

3. DIAND to take an advocacy role with other governments and private industry.

First Nations interests cannot continue to be disregarded simply because an activity occurs off-reserve. First Nations have had more success working with corporations to protect traditional lands and land uses than they have with either the federal or provincial governments. To date, DIAND has lacked the political will to oppose development of a resource that compromises First Nations interests.

However, it is crucial that DIAND work with First Nations to create bridges with mainstream institutions, including provincial and municipal governments.

Objective

- ii) Facilitate the community-based assessment of needs and priorities for building development capacity, where requested by First Nations.

This section of the document was viewed to be self-evident and does not require the "endorsement" of First Nations. However, it would be useful for the government to facilitate the integration its own programming between departments, i.e., Human Resources Development Canada training funds, in particular, with DIAND programming.

Objective

Facilitate partnerships.

Target

- a) Workable partnerships for self-governance.

This area, as expected, remains contentious. The concept of self-government has not been adequately defined for useful discussion. Large reserves are in better condition to implement any kind of "self-government" than are small reserves because it is possible for them to establish economic activity on-reserve capable of supporting the community.

However, the liability and fiduciary obligation issues remain.

Possible Actions

1. Establish and formalize communication links.

It is ironic that DIAND appears to be committed to the proposition that it should consult with First Nations on any number of issues but that it has never requested advice on how best to make consultations effective. Even within DIAND, different programs and services have opposing notions of what constitutes "consultations".

DIAND should formalize processes that suit First Nations. These processes must recognize the autonomy of each community and must not impose an unwanted collectivity. Effective communication links need to be established, especially with respect to consultation. There is no better example of DIAND's own failure in this regard than the SDS consultations in Alberta. The first request to work toward an effective process was registered in May. The Region agreed to fund a process in August. The delay effectively crippled the consultation process initially envisioned by First Nations themselves.

Communication should be put forward through the Alberta Chiefs Summit organization to ensure all First Nations organizations and communities in Alberta are informed at the same time. The Chiefs of Alberta, elected representatives of First Nations people, should determine the process of subsequent communication and consultations.

2. DIAND to help forge business partnerships between First Nations and the private sector.

The First Nations of Alberta would like, on principle, to accept DIAND's expressed intention; however, experience has shown that DIAND cannot be trusted to negotiate on behalf of First Nations in any conflict situation.

Until that matter is redressed, and faith restored, First Nations would prefer to work with the private sector through their own mechanisms. If these are effective, there is no need for DIAND to intervene or interfere.

3. Overcome financial barriers to Aboriginal businesses.

First Nations are trapped within an institutional infrastructure that prevents them from being able to participate in the Canadian economy without abandoning First Nations values. Communities that aspire to creating economic opportunity are prevented from doing so because Alberta is a resource rich, "have" province. Most economic assistance programs are targeted for other jurisdictions. Yet the fact remains, in terms of employment, economic activity, and living conditions, most reserves are not unlike tiny pieces of the Third World scattered in the "backyard" of a developed nation. It is not merely coincidence that the government of South Africa studied the reserve system in Canada prior to implementing apartheid or that visitors to Canada from that country observe reserves that resemble shanty towns.

Furthermore, sustainable development projects, the point of this whole endeavour, are dismissed in Alberta. For example, the Peigan Nation of Treaty 7 in southern Alberta applied for financial assistance to develop a renewable energy project using the prevailing winds, that was declined because Alberta is an oil rich province. The concept of short- and long-term benefits is truncated by cost-benefit analyses that extend only six months, or two years, into the future.

First Nations administrations, and even individual people, cannot practice real economic development because they possess no property, or other collateral, against which to request financing.

Lastly, the federal government continues to pour funding into the Assembly of First Nations (AFN), depleting already limited resources more needed at the community level. It sometimes seems that the government is trying to create an Indian parliament that would be more tractable to its own agenda rather than deal directly with individual First Nations, their Chiefs and Councils, and inhabitants. The AFN intercepts funding that would be better applied to individual communities.

Objective

- iv) Remove barriers to accessing natural resources and related jurisdictions.

Repeal the Natural Resources Transfer Act; permit First Nations to share in the natural resource wealth that has built this country. See "Introduction."

Target

- a) Adequate land base and controlled/shared jurisdiction over resources.

There are very few reserves large enough to sustain a community from resource development alone. They are often prevented by mainstream society from expanding the land base. Oil and gas and other sub-surface resources are "owned" by the provinces, particularly in any new settlement. In Alberta, the provincial government has the authority to compel development of oil and gas reserves, creating new and different problems. Other economic development is prevented. All these factors combine to create insurmountable barriers.

Possible Actions

1. Negotiate treaties and self-government agreements and outstanding claims for issues inside DIAND's control.

There are two problems with this statement.

First, federal government delays and provincial intransigence prevent land claims from being settled until the resources have been extracted, sold, and the revenue generated placed out of the reach of First Nations. The land that is left no longer possesses any value.

Land claim settlements often contain the encumbrance dictating money can be spent only on the purchase of additional agricultural land. These issues have been discussed in the "Introduction."

Second, the statement acknowledges that DIAND can, essentially, do nothing about this issue because many of these issues are outside DIAND's "control." DIAND must be prepared to take forward to the rest of the Canadian government difficult, challenging issues for resolution. Until the government is prepared to acknowledge the Nationhood of First Nations, most of these issues will remain insoluble.

2. Support co-management through advocacy for issues outside DIAND's control.

First Nations believe that economic development is hindered because they do not share in the benefits of resource development. Can this be addressed through co-management agreements? A few First Nations in Alberta have managed to negotiate co-management agreements with the provincial government but officials within that government have stated privately that they will never negotiate the same kind of agreement with other First Nations. All three levels of government must sit together at the same table.

First Nations are especially concerned whether or not other jurisdictions are prepared to acknowledge traditional knowledge within co-management agreements. Other concerns regarding traditional knowledge are provided above.

3. Provide training for individuals interested in a career in natural resources.

The IMS Treaty Caucus has already begun to explore training in these areas. However, the jurisdictional issues must be addressed simultaneously. If training in natural resource professions requires that First Nations people leave their reserves because there are insufficient resources on-reserve to warrant employment, then no improvement has occurred.

Further, First Nations people are too often employed by businesses off-reserve to fill minority quotas.

Target

- b) Resolved [sic] conflicts between expressed needs and legislation.

No one understood what this statement meant or what it was intended to evoke.

Possible Actions

1. Change legislation to make it less restrictive to First Nations' needs.

The only legislative amendments contemplated in the past several years have been motivated by an urge to relieve the federal government of responsibility, not to empower First Nations.

In addition, much legislation governing federal lands does not acknowledge that these lands are inhabited. First Nations have little authority in their own homes. As such, most legislation is either obsolete or patronizing. It is worse when legislation is enacted without any regulations that apply to reserve lands (Canadian Environmental Assessment Act.)

First Nations must be able to identify and adopt environmental protection standards, for instance, applicable to reserve lands and consistent with the desire for self-determinacy of each individual First Nation. This is further complicated by the desire of the federal and provincial governments to harmonize legislation because First Nations are excluded from the process.

Lastly, where regulations do exist, they are not enforced.

Target

- c) Preclaim [sic] pilot projects.

Possible Actions

Start pilot projects that anticipate the resolution of treaties.

No comments. Participants did not feel that this applied to Alberta First Nations.

Objective

v) Remove barriers to economic development.

This issue has been adequately addressed above. In short, it is a matter of creating wealth, of sharing in resource wealth developed off-reserve and of accessing financing to diversify reserve economies.

Target

a) Strengthened First Nations business environment.

Possible Actions

1. Focus on long-term employment opportunities.

Though this issue has been discussed indirectly in a number of responses above, it is also an issue of education and training. The vast majority of educational programming and training funded by government agencies is dedicated to high school equivalencies and university preparation. Other post-secondary education is largely neglected and poorly supported.

Although both the above are admirable achievements, First Nations also need to train technical personnel in the management of reserve infrastructure. They need more vocational programming that will lead to real employment.

Goal 2: Facilitate and maintain effective partnerships.

Self-evident. Commitment must be demonstrated.

Objective

i) Involve First Nations in departmental decision-making.

Self evident.

Target

a) First Nation/DIAND management committees at a regional level.

The structure of the IMS Steering Committee reflects this target. Other possibilities exist. If DIAND is genuinely willing to make First Nations partners in management, First Nations are willing to participate. First Nations expect that the autonomy of individual First Nations will be respected by any process.

Possible Actions

- Establish a committee structure.
- Identify participants.
- Jointly develop mandate/roles and responsibilities.
- Implement committee meetings.
- Evaluate progress and adjust process where necessary.

The first three items on this list should perhaps be reversed. Different representation is appropriate for different committees. In Alberta, regardless of the expressed intention of any committee, authority remains in the Chiefs of Alberta and is expressed, when a collective voice is appropriate, through the Alberta Chiefs Summit (ACS).

Objective

- ii) Develop a mutually accepted consultation process.

The first two targets and all possible actions associated with this objective can be met by consulting with the Alberta Chiefs through the ACS. The structure must also acknowledge the three Treaties of the Alberta territory and the right of each Treaty organization to define for itself jurisdictional issues within its territory.

As stated above, the main impediment is the past experience of First Nations that suggests DIAND officials are not genuinely interested in either partnerships or consultation.

Target

First Nations participation in other government departments/provincial policies and plans (resource management and environment) assisted and supported by DIAND.

Possible Actions

- The development of a federal government-First Nations SDS.
- First Nations to complete the accountability and management assessment.
- Conduct pilot project to improve block funding.
- DIAND to work with other government departments to develop a "Canada" transfer agreement.

The absence of an Alberta Region representative with any understanding of this target and associated possible actions seriously impaired debate on the subject. The absence also reflects negatively on DIAND's commitment to meaningful partnerships. No one in the Alberta Region was available or, possibly, capable of discussing these issues with First Nations.

As for the first action, Alberta Region has already demonstrated the esteem in which it held sustainable development consultations.

It was assumed that the second action applies to the resulting SDS. If that is so, and effected in good faith, it is consistent with other FirstNations goals articulated in this report.

Participants were reluctant to comment on the third action without more information.

The fourth action appears to reflect the statement made earlier that FirstNations need to be able to deal with the entire government of Canada and all its departments as a single entity. The perpetuation of "turf wars" within government impedes the development of FirstNations communities that do not recognize these divisions.

Objective

iii) Set up a communication network.

This is one area that elicited an almost unanimous response. Advances in technology make it possible for all FirstNations to share information among themselves and with all levels of government, federal, provincial and municipal, with an efficiency previously not possible.

Target

a) Co-ordinated cross-department and FirstNation programs, databases and shared information.

Possible Actions

- DIAND to bring other governments, departments, agencies together to address shared Aboriginal issues.
- Support a national database on innovative housing practices within FirstNations and the industry in general.

It is possible to create an internet network through which FirstNations could be linked to one another and to other agencies. The network should not, obviously, be restricted to housing practices, though that is a reasonable priority. It is possible to extend this to include innovative, distance-learning techniques, and further initiatives that cannot be identified at this time. There was universal support for examining this particular action in greater detail.

With respect to the second possible action, participants wanted to ensure that this point was registered: current funding levels for housing are not adequate. Information about innovative practices is useless without money for implementation.

Goal 3: Integrate sustainable development into departmental decision-making processes.

FirstNations support the idea in principle and encourage DIAND to promote sustainable development in all the complexities identified in this report. However, all the objectives, targets

and possible actions seemed directed toward internal practice and do not involve First Nations. Presentation in this way only confirms the suspicion that consultations with First Nations are expected only to facilitate a bureaucratic exercise with limited application to First Nations themselves.

Accordingly, this goal must be pursued within the context of the comments provided for consideration with respect to Goals 1 and 2.

Objective

Get senior management buy-in.

Perhaps “senior management” could be debated; Alberta Region senior management have not seemed prepared to invest in the concept of sustainable development.

Goal 4: Clarify and define the roles, responsibilities and accountabilities of DIAND and its partners in all activities supporting sustainable development.

Given the assertion that sustainable development includes other government initiatives, including the RCAP report, Framework for Action, LTS Sector Plan and any plan to create healthy, self-sustaining communities, participants agreed that a comprehensive review of DIAND and its partners, their roles, responsibilities and accountabilities, in consultation with First Nations, is long overdue.

Pursuit of this goal opens the door to discuss all the jurisdictional issues that occupied the most debate during the Treaty 6 and 8 workshops held to discuss sustainable development, although specific responses to the objective, target and possible actions contained in the SDS draft document are minimal. This area is where meaningful consultations with First Nations will begin.

Possible Action

- Initiate discussions about guidelines to address shortfalls/gaps and duplications.

This has already been discussed in some detail above. However, with respect to environmental matters, an immediate priority is to address the absence under Section 59 of the Canadian Environmental Assessment Act of any regulations that apply to reserve lands.

Chiefs and Councils must be empowered to implement standards, whether through bylaws or some other mechanism, that can be enforced. Adopting protective measures in the beginning will protect all parties, regardless of the eventual resolution of liability issues.

However, Chiefs and Councils are often reluctant to discuss these issues if their own exposure to liability is increased. DIAND and First Nations must work together, not unilaterally, to resolve these issues and to ensure that roles and responsibilities are clearly defined and mutually acceptable.

The issue is further complicated with regard to lands held under the authority of a Certificate of Possession (CP). Chiefs and Councils do not have a clear understanding of their authority, if any, with respect to CP lands.

Goal 5: Maintain and support healthy environments.

Objective

- i) Assess, reclaim and remediate sites.

Target

- a) Implement remediation plans for all outstanding sites identified through the environmental issues inventory (EII).

Possible Action

- Continue and complete the response to EII results.

A clean environment is the point from which First Nations may begin to heal their communities. Living conditions should be improved to match those of people living off-reserve. It is a disgrace that First Nations people more often live in conditions prevalent in the Third World.

Poor living conditions, overcrowding and environmental degradation, such as that caused by poor sewage disposal and contaminated water supplies, lead to poor health and social problems. The government tends to respond by addressing the symptoms with drug and alcohol programs; the causes remain untreated.

Current funding levels and practices sometimes result in Chiefs and Councils adjusting budgets to route money from housing to water/wastewater issues, for example. That eases one problem but creates another.

Some of the issues identified by the EII are orphaned oil and gas sites inherited by First Nations. Remediation of these sites, and others, must not negatively affect limited funding required merely to keep First Nations communities operating. If necessary, the government should pursue third parties and recruit the provinces to support such measures.

The EII is only a catalogue. Now the federal government must commit sufficient new funding to remediate all outstanding sites.

An additional issue that demands attention is the contamination of ground and surface water by sewage, pesticides and herbicides. First Nations people could once drink water without fear; now standards seem to be set to prescribe acceptable levels of poisons.

Objective

- ii) Strengthen First Nations environmental management capacity.

Targets

First Nations environmental management capacity integrated into needs assessment process.

Possible Action

- Support the use of environmental management systems (EMS).

Alberta First Nations have been among the leaders in the development of Environmental Management Frameworks (EMFs), the prerequisite to developing EMSs. Jurisdictional issues remain to be resolved with respect to the implementation of an EMF or EMS.

However, instituting new protective measures cannot divert funds from other program areas. This will simply substitute new problems for old. For example, a First Nation in northern Alberta requested funding for flood recovery; the money was provided but other budget areas were reduced accordingly. This practice is not acceptable.

If building capacity on-reserve is going to include the development of technical expertise (Goal 1), funding agreements must be enlarged to accommodate employment of these same technicians on-reserve and at the tribal council and treaty organization levels. Government cannot resolve these issues without committing new monies, regardless of the deficit-fever currently gripping governments across the nation.

Objective

Facilitate First Nations natural resource management capacity and decision-making.

Targets

Off-reserve natural resource co-management agreements.

This proposal has, again, been discussed in greater detail above. All of the concerns put forward previously regarding the imperative position of First Nations that they must share in natural resource wealth are echoed with relevance here.

Devolved authorities in natural resource areas to First Nations organizations (on-reserve).

This proposal is merely consistent with empowering First Nations to become the masters of their own destiny. As in several cases above, it is a self-evident proposition.

Strengthen First Nations ability and knowledge to manage natural resources.

Possible Actions

- Establish a federal First Nations working group.

There is merit in this proposal but, given the ramifications of the Natural Resources Transfer Act and provincial jurisdiction over lands adjacent to reserves, it is equally, if not more important, to establish working groups at the Regional level. The national group may be useful

in the formulation of policy and procedure but practical solutions can only be implemented at the Regional level.

Working group to evaluate and develop an energy strategy to support the effective use of renewable energy technology, energy conservation and alternate energy sources.

As stated previously, the Peigan FirstNation is at present exploring the viability of implementing wind as a renewable energy resource. Even in Alberta, a rich oil and gas province, the non-renewable resources are limited. The Peigan FirstNation is exploring the creation of its own utility; federal government support of this initiative, which looks to the future, would be appreciated.

Further strategies should emerge out of continuing discussion and consultation.

Environment and Natural Resource Directorate to support forest-based economic development.

The Canadian Forest Service is already working with FirstNations on a forest management strategy. This is an example of the value to be added by different departments working together on common initiatives.

Forest-based economic development is appropriate for most FirstNations since reserve lands tend to be located in more remote, northern localities; it is not, however, suitable for all FirstNations. FirstNations must be permitted to diversify economically, especially, where possible, beyond resource-based development.

There are mainstream communities across Canada that have managed to build sustainable economies that are in large part based upon nearby reserves. An economic survey performed for the LesserSlave Lake Indian Regional Council in Treaty 8 indicated that reserve economies experience a 97percent leakage off-reserve. Given statistics like that, which are similar across Canada, it is impossible for FirstNations to build self-sustaining economies. All the available niches have already been filled by mainstream entrepreneurs. And, worse, FirstNations are prevented from exploiting new opportunities, as stated above, because financial institutions and other mechanisms to support business, will not invest in FirstNations ventures that cannot offer collateral.

Consider pilot projects to explore ways to increase knowledge to manage natural resources.

The IMS Treaty Caucus in Alberta is already exploring these projects; the continued support of DIAND at the national and regional levels would help FirstNations to define their own growth in this sector.

Improve living conditions.

All the points listed under this objective were considered to be, once again, self-evident. FirstNations, as members of the larger Canadian community, deserve to have the same standards applied to their communities as are applied elsewhere. This includes correcting existing deficiencies in water/wastewater management, building capacity and implementing appropriate regulatory infrastructure, providing enforcement capability, addressing fuel storage

and waste management concerns, and working with communities to develop the capacity enabling them to plan their growth.

- b) Increased number of houses which meet basic housing standards in First Nations communities.

Housing issues have been addressed above. However, in addition, the contribution made by DIAND toward housing has not increased, even to keep pace with the cost of living increase, in years.

Too few participants had any knowledge of the "new housing policy" to comment on this proposal.

Objective

Establish consistent environmental regulatory regime on-reserve.

Possible Action

- Through a mutually accepted consultation process develop a regulatory system that harmonizes on- and off-reserve regimes.

This point also was anticipated in connection with proposals advanced above.

Goal 6: "Greening" DIAND's internal operations.

For the most part, this goal was interpreted as applying only to DIAND and not to First Nations, although there is, of course, value in greening the internal operations of First Nations too.

One example not proposed elsewhere is the possibility of including co-generation stations in waste management strategies.

Some concerns were registered regarding changes to DIAND's land use policies and subsequent leases that may apply to First Nations.

Additional Points/Questions For Discussion

Several participants indicated they would like to know if the government plans on resuscitating the amendments to the Indian Act that dies on the order paper at the conclusion of the last sitting of the Parliament prior to the federal election.

Some participants expressed the concern that the new, "practical" approaches to solving issues identified through the development of a department SDS, and others (particularly the LTS Sector Plan) were merely the same old ideas dressed up in new clothing.

Significant changes to the relationship between Canada and First Nations have always been unilaterally proposed by the federal government. Until the federal government is prepared to sit down and discuss the future with First Nations as equals, the process is doomed to failure.

General Comments

Several workshop participants mentioned they had difficulty in understanding the way ideas in the draft SDS document were presented. It must be said it is not a user-friendly document.

Conclusion

Although the FirstNations of Treaties 6 and 8 welcomed the opportunity to address some of the issues contained within the draft SDS document distributed by DIAND, it must be stated, again, that they have serious doubts about the value of a process so poorly supported by the Region.

In addition, the fundamental issues are not developmental but jurisdictional. If DIAND is prepared to enter into real consultations (consultations that have not yet occurred) with First-Nations leadership on the subject of governance, then it may be possible for FirstNations to begin to participate as equals within Confederation.

Until that time, the government patronizes FirstNations across Canada by suggesting that a process, like this one, can meaningfully address the issues on- and off-reserve that cannot be neglected much longer.

Appendix One: Workshop Participants

Treaty 6: August 19, 1997

Confederacy of Treaty 6 First Nations

Wyatt Arcand	Alexander First Nation, Technical Services Advisory Group
Howard Auigbelle	Alexander First Nation
Marcel Paul	Alexander First Nation
Vaughn Paul	Alexander First Nation, IMS Treaty Caucus
Clayton Alexis	Alexis First Nation
Vernon Jones	Alexis First Nation
Gabe Gladue	Beaver Lake First Nation
Chief Al Lameman	Beaver Lake First Nation
Russell Whitford	Beaver Lake First Nation
Lionel Francois	Cold Lake First Nation
Ed Morin	Enoch First Nation
Romeo Morin	Enoch First Nation
Carol Wildcat	Ermineskin First Nation
Victor Houle	Saddle Lake First Nations, Technical Services Advisory Group
Norman Calliou	Technical Advisor, Confederacy of Treaty 6 First Nations

Other First Nations Representation

Debra Courtoreille	Alberta Treaty Nations Environmental Secretariat (ATNES)
Duane Goodstriker	Interim Director, ATNES
Rene Paul	First Nations Resource Council

Government Representation

Marcel Boutet	Director, LTS, Alberta Region
Dennis Massey	Policy Analyst, IGAP, Alberta Region

Marcia Nickerson

DIAND HQ

Treaty 8: August 21, 1997

Alberta Grand Council of Treaty 8 First Nations

Mike Sharpe	Athabasca Tribal Council
Simon Beaver	Bigstone Cree Nation
Lawrence Young	Bigstone Cree Nation
Chief James Ahnassy	Dene Tha First Nation
Peter Freeman	Driftpile First Nation
Chief Don Testawich	Duncan's First Nation
Dean Horseman	Horse Lake First Nation
Elsie Fabian	Fort McKay First Nation
Ronald Willier	Sucker Creek First Nation
Francis A. Willier	Sucker Creek First Nation
Frank Chalifoux	Swan River First Nation
Leon Chalifoux	Swan River First Nation
Dwayne Thunder	Whitefish Lake First Nation
Leonard Nahachick	Whitefish Lake First Nation
Ray Cunningham	Woodland Cree First Nation
Joseph Cardinal	Woodland Cree First Nation
Olga Boremiy	Alberta Grand Council of Treaty 8 First Nations
J. R. Coker	Alberta Grand Council of Treaty 8 First Nations

Other First Nations Representation

William Big Bull	Peigan First Nation (Treaty 7)
Noreen Plain Eagle	Peigan First Nation (Treaty 7)
Debra Courtoreille	ATNES

Duane Goodstriker	ATNES
Wyatt Arcand	Technical Services Advisory Group
Howard Auigbelle	Technical Services Advisory Group
Victor Houle	Technical Services Advisory Group

Government Representation

Marcia Nickerson	DIAND HQ
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Appendix Two:

Grand Council Of Treaty 8 First Nations (Alberta)

Towards a Sustainable Development Strategy

A Report from the December 16, 1996

Sustainable Development Workshop

DRAFT

December 20, 1996

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Consultation Profile

Contact Information

Region

James "Doc" Coker, Environment/Government Liaison Officer

Grand Council of Treaty 8 First Nations (Alberta)

Phone: (403) 424-8504 Fax: (403) 424-8614

Regional department contact

Steve Varrette, Manager, Environment Unit

Alberta Region, Indian and Northern Affairs Canada

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Consultation team members

James "Doc" Coker, Environment/Government Liaison Officer

Grand Council of Treaty 8 First Nations (Alberta)

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Michael Evans, Strategic Planning Consultant, D. M. Evans Professional Services

10188 92 Street

Edmonton, Alberta T5H 1S9

Phone: (403) 425-8238

Peter Moore, Community Development Consultant

809 - 12 Avenue S.E.

Slave Lake, Alberta T0G 2A3

Phone/Fax: (403) 849-5515

First Nations contacts

Grand Council of Treaty 8 First Nations received verbal notification of this project from Duane-Goodstriker, Director of the Alberta Treaty Nations Environmental Secretariat, on November 12, 1996.

WORKSHOP REPORT

All member First Nations of Grand Council Treaty 8 and an additional four tribal councils in the treaty area were subsequently notified by telephone and fax of the initiative and asked to provide representation at the workshop, scheduled for December 16, 1996.

Participating Other Government Departments (OGDs) and contacts

Carol Bettac, Conservation and Development Branch

Alberta Agriculture, Food and Rural Development

OGDs and contacts (cont.)

Andy Masiuk, Community and Intergovernmental Relations Branch

Strategic and Regional Support Division, Corporate Management Service, Alberta
Environmental Protection

Gordon Armitage, Aboriginal Facilitator

Strategic and Regional Support Division, Corporate Management Service, Alberta
Environmental Protection

Ernie Hui, Senior Policy Analyst

Water Resources Division, Natural Resources Service, Alberta Environmental Protection

Ryerson Christie, Director, Alberta Region

Canadian Environmental Assessment Agency

Gordon Lewis, Policy Analyst, Policy and Planning

Prairie and Northern Region, Environment Canada

Steve Varrette, Manager, Environment Unit

Alberta Region, Indian and Northern Affairs Canada

Dennis Massey, Intergovernmental Affairs

Alberta Region, Indian and Northern Affairs Canada

Joe De Franceschi, Canadian Forest Service

Natural Resources Canada

Alvin Manitopyes, Aboriginal Advisor

Earth Council

Consultation Information

The Sustainable Development Workshop was scheduled for Monday, December 16, 1996, at the Royal West Edmonton Inn, in Edmonton, Alberta.

Twenty-three First Nations members or their appointed representatives attended the workshop. First Nations participants included Chiefs, Councillors, tribal council administrators, youth, elders and environment portfolio holders. An additional nine representatives from both the federal and provincial governments also participated. Lastly, a special lunch presentation was made to all participants by Alvin Manitopyes, Aboriginal Advisor to the Earth Council. A detailed list of participants, their affiliation and other relevant information, appears in Appendix 1.

The workshop was facilitated by the Environment/Government Liaison Officer for Grand Council of Treaty 8 First Nations, James "Doc" Coker, and two consultants, Michael Evans and Peter Moore, both with extensive experience in First Nations issues with member bands and tribal councils in the Treaty 8 (Alberta) area.

Both the consultation team and government representatives made extensive use of overhead projections to support their presentations.

The full-day workshop developed as follows:

- participants were informed as to the process that resulted in convening the Sustainable Development Workshop;
- the concept of "sustainable development" was introduced by the consultation team;
- government representatives addressed sustainable development as it affected their responsibilities in government and as that related to First Nations peoples;
- the Aboriginal Advisor to the Earth Council made a special presentation to the participants over lunch;
- participants broke into discussion groups that examined the issues of sustainable development with government representatives available for clarification of specific issues, discussion was guided by a prepared work document, and by an information resource package;
- First Nations members met in camera to conclude their remarks and to direct the consultation team in the preparation of this document;
- this document will be forwarded to all participants to enable them to verify its accuracy.

A transcription service was contracted to record all presentations in the morning session, including questions posed from the floor. Transcripts will be available the second week of January, 1997.

The consultation team recorded details of the discussion groups which were subsequently consulted in the preparation of this document. As stated above, this document will be

WORKSHOP REPORT

forwarded to all participants to enable them to verify its accuracy. The final draft of this document, incorporating the comments of participants to the draft, will be completed January 15, 1997.

Budget

All costs associated with the workshop, including planning and development, consultants' fees, and participant expense remuneration, reached a total of approximately \$43,000. Details will be available as complete expense claims are submitted by the participants.

No additional funds were provided by participating OGDs; their contributions were restricted to making available their representatives to make presentations on sustainable development and to assist in the afternoon discussion groups.

Feedback

The Concept of Sustainable Development

The following definition of "sustainable development," quoted from the document "Towards a Sustainable Development Strategy for DIAND" provided by Indian and Northern Affairs Canada, was used as a starting point for discussion in the workshop.

"Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs."

Grand Council of Treaty 8 FirstNations participants did not disagree with the definition in principle. However, it is our position that the definition is too broad to have any meaningful application with respect to FirstNations and FirstNations issues. The definition fails to consider the individual needs of each community, to acknowledge the relationship of First-Nations with the federal government entrenched in Treaty 8, and does not address the negative cultural, social and economic impacts of industrial development or government policy.

In addition to conventionally understood natural resource development activity, a sustainable development strategy must address the "health" of surrounding communities, and health cannot be narrowly defined. "Health is more than the absence of disease or pathologies; it is the ability of the individuals to manage their environment or to adapt to their environment" (Jim Webb, Little Red River Cree Nation). The marginalization of FirstNations peoples within Canada has institutionalized chronic ill-health.

More specifically:

The current attempt by the federal government to define and quantify "sustainable development" figures into a world-wide debate among Aboriginal peoples about the collision of industrial/chemical societies with societies that have maintained a deep, cultural and spiritual connection with the land and with "nature". This is not an isolated, local issue, or even a national issue: it is a global issue and the range of debate must acknowledge issues beyond the usually applied limitations of developmental impact.

Many FirstNations people feel sustainable development is a compromise initiated by multinational corporations under pressure from environmental interests that will enable them to protect their interests and profits; although environmental concerns are highlighted in the process, they are relegated to a position of lesser importance than development activity itself. FirstNations interests are not acknowledged within a developmental framework.

Therefore, through the fiduciary obligation owed to First Nations, both FirstNations and federal and provincial governments need to be proactive to protect the long-term interests of First-Nations.

The definition does not recognize the legal right of FirstNations, again entrenched in the Treaties, to participate at a meaningful decision-making level with government or industry regarding environmental issues beyond existing reserve boundaries. FirstNations believe they have been betrayed by the institutionalization of "Indian lands" as mere reserves; this isolation

on reserve does not respect their right to share in management decisions on traditional territories. If First Nations are restricted to participating in decisions which concern the relatively inconsequential islands of land represented by reserves, then they are not participating in meaningful action and their marginalization at the expense of industrial interests will continue.

The definition does not acknowledge the spiritual values with which First Nations people invest the earth, in general, or the forest, more specifically.

First Nations must develop their own definition of sustainable development and an implementation strategy; that may be done in partnership with government agencies and representatives of industry if they are willing to acknowledge the underlying principles of the Treaty agreements made with the federal government.

The present administrative and legal model used by Indian and Northern Affairs Canada to "consult" with First Nations is inappropriate and inadequate; the process emphasizes isolated issue sets, is compromised by hidden agendas and, most importantly, fails to acknowledge the spirit and intent of Treaty 8.

The Natural Resources Transfer Act of 1930, awarding jurisdiction over natural resources to the government of Alberta from the federal government, was made without consulting First Nations. Even if the transfer is upheld legally, the transfer does not absolve the Crown, federal or provincial, of its obligation to share natural resources with First Nations, consistent with the spirit and intent of Treaty 8.

Examples of Sustainable Development

The workshop included presentations from federal and provincial government representatives of existing sustainable development legislation, policy and practices current in Alberta. First Nations participants heard from the following.

Environment Canada outlined the history of the concept of sustainable development at both the national and international levels, including federal government commitments to the concept, as well as commitments, legislation and policy with respect to implementing sustainable development strategies at departmental and agency levels. In particular, the practice of 20 percent of the world's nations to use 80 percent of the world's non-renewable resources to maintain their high standard of living, to the detriment of so-called Third World nations and marginalized societies, was emphasized.

Natural Resources Canada presented the Canadian approach to sustainable forest management with criteria, indicators and performance measures, developed in consultation with stakeholders. Five principles presented include:

- conservation of biological diversity;
- maintenance and enhancement of existing forests;
- conservation of soil and water;
- recognition of forest ecosystem contributions;

- recognition of the multiple benefits the forest provides to society; and
- acceptance of society's responsibility for sustainable development.

The presentation on the Canadian Environmental Assessment Act focused on the absence of "Indian regulations" in Section 59 of the Act to provide for enforceable practices on-reserve. It was also observed that, in practical matters, forestry is not within the federal mandate and that co-operation with the provinces is imperative in the development of any sustainable development strategy.

Alberta government representatives gave three presentations. The first was an overview of Alberta policies on the sustainable development of forest resources, including the development of the Alberta Forest Conservation Strategy. The second presentation addressed the new Alberta Water Act, passed in the Alberta Legislature in 1996.¹ The third presentation outlined sustainable management practices for agriculture, including the

commitment to encourage stewardship of natural resources for agricultural, industrial and public benefit. Current agricultural initiatives include efforts to reduce the impact of agricultural practices on the environment, such as fertilizer and pesticide run-off, and to transfer improved technologies.

Alvin Manitopyes, Aboriginal Advisor to the Earth Council in Costa Rica, discussed his role in the Earth Council, some of its history, the key issues under consideration, and, in general, provided an international perspective to the issues surrounding sustainable development.

Guiding Principles

After exploring the principles of sustainable development, the consensus of First Nations representatives was that if INAC and/or the federal and provincial government really want to do business differently, the following principles must be the starting point for any consultations which might lead to the development of a successful and viable sustainable development strategy.

The spirit and intent of Treaty 8 must be acknowledged as the basis for any discussion or consultation on sustainable development. Fundamental to this position is the right of the First Nations of Treaty 8 (Alberta) to participate as equals in any decision affecting the dispensation, use or modification of natural resources within their traditional territories. As has been often noted in similar discussions, the concept of ownership and consequent "ceding" of territory to European descendants was, and remains, alien to First Nations cultures and the individuals who signed the Treaties on behalf of their peoples. Exchanging "land" for "money" (health care, education, housing, social welfare) was not the basis of the agreement; the agreement was to share resources and knowledge to mutual benefit.

¹ It is important to note that the presenter stated that the Alberta government and First Nations have "agreed to disagree" with certain elements of the legislation which address allocations of the water resource and consequent risks to First Nations rights to clean water.

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The agreement entrenched in the Treaty to share the natural resources of the land occupied by First Nations before European contact included a promise not only not to destroy those resources, but also not to destroy the relationship of First Nations people to the land. If compensation is warranted, it is for diminishing the ability of First Nations people to enjoy their own home.

Government agencies and First Nations must begin all consultations from a position of mutual respect. Meaningful self-government is imperative. Government to government relations could result in the dismantling of INAC.

Consultations on sustainable development and all other matters which are related to the spirit and intent of Treaty 8 must be guided by the principles outlined in the decision of *Regina v Sparrow*.

A useful beginning to guide subsequent consultations would be principle 22 of the Rio Declaration and principle 5(a) of the Forestry Principles set out in the Report of the United Nations Conference on Environment and Development.

Litigation should only be used as a last resort to arbitrate differences of understanding when all other channels have failed.

Issues

A worksheet, which grouped potential concerns with respect to sustainable development into four issue-sets, was distributed in the morning and used as the basis for discussion in the afternoon. Though participants initially addressed the issues individually, it quickly became apparent that the consensus was that any discussion of sustainable development with respect to First Nations that did not recognize the prevailing jurisdictional issues asserted as Treaty rights failed to constitute meaningful discussion.

The Royal Commission on Aboriginal Peoples has recently completed the most comprehensive and detailed examination of First Nations communities across Canada; there is no need to duplicate the findings or recommendations of the Commission's report which already addresses fundamental issues with respect to First Nations. The harsh realities of reserve life are well-known and well-documented.

Nonetheless, a broad spectrum of preliminary responses included a vision of future communities with the ability to sustain themselves economically and socially, personal self-reliance, and reform of current administrative practices and priorities. All these are ultimately related to Treaty issues.

The key issues which must be addressed by the government of Canada to develop a sustainable development strategy with meaningful and useful contributions from Treaty 8 (or any First Nation in Canada, for that matter), and for that strategy to have a positive and beneficial impact for member First Nations, are as follows.

The First Nations of Treaty 8 have, by right of agreement with the Crown, a lawful position from which to participate in any decisions concerning the environment and natural resources within their traditional territories, and the right to share in wealth generated by using these resources. A share of resource wealth, guaranteed by Treaty, will enable First Nations to develop their own

programs and services, mechanisms for government, and other institutional supports to restore health to their communities and pride to their peoples.

First Nations want to participate fully in Canadian life rather than continue to be marginalized by legal, political, administrative and social institutions.

Canada's professed commitment to sustainable development presents an opportunity to First Nations and to Canada to re-examine existing institutional models and to implement the necessary changes to make First Nations self-sustaining communities without a crippling dependence on federal government subsidies.

Asking First Nations to comment on the administration and management of existing DIAND 1996-97 programs and services is an inappropriate waste of time for all, including the government.

Participants agreed that the current discussions constitute a starting point for genuine consultations on sustainable development, in all the complexities identified by First Nations.

When these consultations are begun, specific issues that could be addressed, and which were identified in the worksheet under issue-sets, include the following.

Human Resources

The continued marginalization of First Nations peoples, as stated above, enforces chronic ill-health, in the holistic sense identified above, including unemployment, alcoholism, domestic violence and high suicide rates. Sustainable development must address these social issues.

Sharing natural resources includes sharing in their extraction and in the revenue generated through industrial activity. Companies which move into traditional territories to extract natural resources have an ethical obligation to educate, train and employ First Nations people to enable them to participate in wealth-generating activity. Current social welfare dependency creates a kind of "training opportunism" that encourages First Nations people to enroll in any training opportunity whether or not it will lead to employment and self-sufficiency.

First Nations are also opposed to the current practice of allocating natural resources to large multi-nationals, particularly foreign-owned companies, which emphasize productivity over employment. In the case of forestry, for example, low-impact, conservation-oriented harvesting techniques could lead to full employment in appropriate regions, rather than current levels of unemployment which exceed 90 percent in First Nations communities across Canada.

Natural Resources

Practical realities force all stakeholders to acknowledge that the federal government has no jurisdiction over natural resources in Alberta, with the exception of those found in national parks and Indian reserves. As a consequence, First Nations people themselves do not have jurisdiction over zoning regulations or any other land management activities on their own lands. Although the federal and provincial governments are moving toward harmonization of environmental laws, First Nations are not permitted to participate in this process and so have no influence.

Natural resource extraction must also recognize the intellectual and cultural property rights of First Nations and their right to protect the same. Medicinal herbs and sufficient wildlife to preserve

subsistence hunting and fishing for those who wish to preserve a way of life, must be protected. First Nations must be consulted by provincial jurisdictions in these matters. First Nations wish to be partners in stewardship, not management.

Native mapping projects, such as that initiated by the Fort McKay Cree Nation, can make meaningful contributions toward sustainable development. These projects represent a working marriage of traditional environmental knowledge and technology. In addition, these projects unite communities, elders and youth in the recovery and preservation of oral histories that contribute to improving the pride and self-sufficiency of entire communities.

DIAND Programming

These specific issues cannot be addressed before resolving more fundamental questions.

Institutions

These issues will be addressed by resolving the fundamental questions posed above.

Note: One participant repeatedly stated that non-Indian Canadians should resent First Nations' dependency on government subsidies, the money for which is provided through taxation. If First Nations were permitted to share in the revenue generated by resource development, then they would have sufficient capital to manage their own communities. This was the original spirit and intent of Treaty 8.

It was also observed that First Nations cannot at present participate as full partners in decisions concerning sustainable development and environmental management because they lack the financial resources to do so. Large companies that benefit from resource extraction have the revenue to invest in research and development. If First Nations shared that revenue, they could participate in research and development to the benefit of all Canadians.

Participants also noted that Metis people in Alberta possess more meaningful rights to natural resources and related revenue than First Nations. Metis settlements are routinely much larger than reserves, and surface rights are retained collectively by Metis councils. The Metis Settlements General Commission is currently negotiating with the Alberta government for a share of sub-surface rights.

Potential Solutions

The participants agreed that:

- sustainable development is an important issue;
- First Nations have rightfully been asked to participate in the development of a sustainable development strategy; and,

- the strategy must address issues beyond the use and management of natural resources.

As has been repeatedly observed above, any consultations must begin at ground level and not with a series of issues posed by INAC for prioritization by First Nations. The process initiated which has resulted in this document is a good starting point for real consultations.

The government's willingness to work with Treaty associations, tribal councils and individual First Nations will measure the likelihood of a successful resolution, not only with respect to sustainable development as viewed by "mainstream" society, but also with respect to rebuilding First Nations communities into self-sufficient, autonomous entities.

All discussions must re-examine the agreements entrenched in Treaty 8 which must be honoured by the ancestors of both signatories. The Supreme Court decision in *Regina v. Sparrow* provides meaningful guidelines. In order to move forward, both parties must be prepared to establish the terms of consultation, particularly with respect to the infringement of Treaty rights. The Canadian government must not, however, attempt to create an Indian parliament through enfranchising organizations like the Assembly of First Nations. The legal precedent for all negotiations is established by Treaty.

Comments on the Potential Value/Impact of the Sustainable Development Strategy on the Department, First Nations and Inuit People

Nothing further at this time.

The Consultation Process

It cannot be emphasized too strongly that this exercise does not constitute a meaningful "consultation" to First Nations. Genuine consultation can exist only between partners with skills and resources to bring to the table that can be exchanged to mutual benefit. To date, First Nations have been excluded from acquiring skills or having jurisdiction over resources that would make them equal partners.

This process, however, has identified critical issues that must be addressed with First Nations governments, at the Treaty organization, tribal council and individual First Nation level. To that end, we are pleased to have been asked to participate and look forward to both the federal and provincial governments extending themselves generously to include First Nations in the future.

Other Comments

Nothing further at this time.

Appendix One: Participant List:

First Nations Participants

Leonard Okemow	Bigstone Cree Nation
Lawrence Young	Bigstone Cree Nation
Mark Baumann	Duncan's First Nation
Don Testawich	Duncan's First Nation
Dean M. Giroux	Driftpile First Nation
Jim Boucher	Ft. McKay First Nation/Athabasca Tribal Council
Bill Haufe (?)	Fort McMurray First Nation
Eleanor Steinhauer	Fort McMurray First Nation
Peter Chalifoux	Kapawe'no First Nation
Sydney Halcrow	Kapawe'no First Nation
Frank Halcrow	Kapawe'no First Nation/Grand Council of Treaty 8 First Nations
Allen Willier	Lesser Slave Lake Indian Regional Council
Jim Webb	Little Red River Cree Nation
Fred Willier	Sucker Creek First Nation
Richard Davis	Swan River First Nation
Ron Sunshine	Whitefish Lake First Nation
John W. Cardinal	Woodland Cree First Nation
Tom Cardinal	Woodland Cree First Nation
Joseph Cardinal	Woodland Cree First Nation
Alice Laboucan	Woodland Cree First Nation
Kathleen Laboucan	Woodland Cree First Nation
Alvin Manitopyes	Aboriginal Advisor, Earth Council

Government Representatives

Carol Bettac	Alberta Agriculture, Food and Rural Development
Andy Masiuk	Alberta Environmental Protection
Ernie Hui	Water Resources Division, Alberta Environmental Protection
Gordon Armitage	Alberta Environmental Protection
Ryerson Christie	Canadian Environmental Assessment Agency
Gordon Lewis	Environment Canada
Dennis Massey	Indian and Northern Affairs Canada
Steve Varrette	Indian and Northern Affairs Canada
Joe DeFranceschi	Canadian Forest Service, Natural Resources Canada
L. West	Canadian Forest Service, Natural Resources Canada

Consultation Team

James "Doc" Coker	Grand Council of Treaty 8 First Nations
Michael Evans	
Peter Moore	

DIAND

Sustainable Development Strategy

DIAND Saskatchewan Region

Results & Recommendations

Phase II Consultations

Prepared by: Federation of Saskatchewan Indian Nations,
DIAND Saskatchewan Region

Date: August 1997

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First Nations' Consultation Process & Methodology

The Phase II First Nations' consultation process in the Saskatchewan region was co-ordinated by the Federation of Saskatchewan Indian Nations (FSIN) with support from the Department of Indian Affairs and Northern Development (DIAND) regional office.

The consultation process consisted of five (5) two-day workshops in various locations across the Saskatchewan region to which all the First Nations within the area were invited to send representation.

Executive Management for the consultation process was provided by Vice-Chief Allan Adam and Vice-Chief Lindsey Cyr. The Workshop Co-ordinators were Mr. Osborne Turner and Mr. Patrick Woods. DIAND regional office officials support was provided by Mr. George Cornwell, Mr. Wilf Nordick, and Mr. Peter Adair.

At each workshop, proceedings were taped and FSIN/DIAND officials also kept a written summary record of the major recommendations emerging from delegate discussions. It is from these sources this report has been developed.

In addition, representatives from other federal departments that are required to prepare sustainable development strategic plans were invited to attend the workshops as observers/participants. Officials of the DIAND Saskatchewan Region office coordinated the logistics of this part of the initiative - a copy of the list of federal officials from the Saskatchewan Region who were invited to attend the workshops is attached to this report as Appendix A.

The Workshop Site Locations and First Nations' attending with representation are appended to this report as Exhibit 1.

A prototype agenda for the workshops is appended to this report as Exhibit 2.

The focus of the workshops was the evaluation of the draft DIAND national strategy entitled "Towards a Sustainable Development Strategy for DIAND" hereafter referred to as "The Green Book".

Many of the workshop delegates had also participated in the Phase I consultations conducted in the Saskatchewan Region in the fall of 1996 and were therefore, particularly interested in the extent to which the issues and recommendations identified in the Phase I Saskatchewan Region consultation were incorporated into the draft national DIAND strategic Plan.

First Nations Consultation Process Response and Recommendations

General Recommendations

General overarching impressions/reactions to the DIAND draft strategic plan varied considerably from workshop to workshop as would naturally be expected because of the diversity/priority of local concerns. There were several observations and responses, however, which were common to every workshop. These included the following:

Separation of the Plan for Greater Clarity

The overall strategic plan has two distinct components:

- the first is the DIAND profile and action plan which is supposed to describe the internal departmental co-ordination and interdepartmental co-ordination required by DIAND to effectively implement the principles and goals of sustainable development.
- the second component is how DIAND will relate to, and support, First Nations sustainable development goals and requirements.
- workshop representatives felt strongly that these two components should be kept separate in the final plan - either by way of producing two separate documents or, at the very least, dividing the report into two distinct sections.

Return to the Original Planning Dimensions

There was considerable disappointment that the draft DIAND strategic plan appears to have moved away from the initial four (4) "planning dimensions" of the Phase I Consultations thereby diminishing or completely eliminating some very vital and necessary parts required to make an effective and complete strategic plan.

Some specific examples of the "backing away" or "side-stepping" of the original planning dimensions include:

- there is no mention in the plan of the Federal Government Treaty and Fiduciary trust obligations to protect First Nations lands and resources, to assist First Nations to acquire right of access to resources in traditional territories, to protect wildlife habitat vital to the pursuit of traditional First Nations vocations, to support First Nations to have a meaningful and direct influence over resource management/harvesting practices.
- there are few references in the draft strategic plan which refer to DIAND's obligations to support socio-cultural protection, economic and employment development, and employment and training, which were part of the initial planning dimensions. In the Phase

In consultation process, First Nations representatives were encouraged to think that the department would be working with them to develop concrete action plans to address these planning components in the national plan.

In the draft plan, the department has established six (6) "new goals" which abandon many of the original planning dimensions. It is strongly recommended that the next draft of the plan restore all the original components.

- the plan should be reformatted to include goals and action plans for each of the four original planning dimensions.
- the focus of this draft plan now appears to be limited to local capacity building and environmental issues which ignores the holistic definition of sustainable development developed by the First Nations in the Saskatchewan Region (appended as Exhibit3).

Reformatting the Document

With respect to the reorganization of the next draft it was recommended that DIAND consider the following approach:

- goals 1, 2, & 4 of the draft DIAND plan are process/policy related.
- it is recommended that these be synthesized into one section of the plan and strengthened by adding more recognition of the federal treaty/trust obligations and action plans in support of working with the First Nations to establish the government-to-government processes required to have concepts such as equality of governments, equality of laws, and First Nations jurisdiction recognized.
- goals 3 - 6 in this draft plan appear to be specifically directed at the internal reorganization/co-ordination required by DIAND to implement the plan - it is recommended that these goals be moved into the departmental profile section of the document.
- goal 5 is dedicated to environmental issues/actions - this should remain in the strategic plan as a "stand alone" section and strengthened by addressing some of the recommendations which appear in the environmental section of part 11 (B-2) of this report commencing on page 10.
- there should be new "stand alone" sections; a section on socio-cultural protection, a section on economic and employment development and a section on education and training.

Strengthening the Federal Commitments to First Nations

Most disappointing of all to the First Nations representatives was the lack of specific action plans and DIAND commitments to set up programs in support of First Nations goals and

objectives. Participants noted an absence of any strong proactive language in the draft plan and that it was riddled with ambiguous words such as "possible actions" "increased involvement in decision making", "acceptable standards", etc.

Some specific recommendations, as examples, in strengthening the language in the document are:

- draft strategy; page 16, goal 1, objective i, the word "support" be used instead of "encourage";
- draft strategy; page 16, goal 1, objective ii, the words "support and finance" be used instead of "facilitate";
- draft strategy; page 17, goal 1, objective iii, replace the word "Aboriginal" with "First Nations";
- draft strategy; page 17, goal 1, objective iv, the words "support workable partnerships to overcome barriers" to be used instead of "remove barriers."
- in the overall draft strategy, the headings "possible actions" should be changed to "actions";

Workshop representatives felt strongly that the next draft of the plan should include a vocabulary which represents committal to specific action plans, targets for achieving results, and fiscal commitments in support of current initiatives and/or implementing the sustainable development plan.

Strengthening the Definition and Principles of Sustainable Development

In addition to the earlier recommendation that the federal plan adopt and endorse the First Nations holistic definition of sustainable development, it is further recommended that the next draft incorporate some of the principles developed by the First Nations of Saskatchewan with respect to the overall ecological interdependence of all forms of life and inanimate objects on earth. These principles are appended to this report as Exhibit 4.

Continued First Nations Involvement

All workshops concluded with a strong recommendation that First Nations representatives must be included in the drafting of the next plan and furthermore, that the final plan be vetted and ratified by First Nations national and regional leadership through their recognized organizations.

Specific Workshop Recommendations – by Planning Sector**Process 1 Policy Recommendations**

- a) Goal 1 in the "Green Book" represents a good initial effort to address the local and regional "capacity building" requirements of the First Nations - it should remain in the document and further strengthened with stronger, more specific commitments and action plans for each of the existing objectives and expanded to include and/or address a much wider range of process issues including those identified in the following recommendations.
- b) First Nations agree with Goal 4 - defining roles, responsibilities and accountabilities of DIAND and other federal agencies/departments but would prefer single agency/single window administrative process - if it is not going to be DIAND in the future then the federal government should be planning to develop such an agency which would have omnibus authority to advocate/deliver the federal obligations - perhaps in the form of a Federal Trust Centre.
- c) There must be a firm commitment and process to draw the Provincial Government into a sustainable development implementation plan - at present the province controls and regulates almost all of the resource management/resource development activities in lands adjacent to reserves and within traditional territories. Without strong federal advocacy on behalf of First Nations to have direct policy input into provincial legislative and regulatory regimes neither a federal nor a First Nations strategic plan will be workable. If the province cannot be brought into a true partnership willingly, the federal government may need to exercise their Treaty and fiduciary trust obligations, and superseding constitutional powers to force provinces to recognize the continuing rights and interests of the First Nations in title to lands and resources by virtue of treaty agreements and, and in the case of the Prairies, provincial obligations under the Natural Resources Transfer Agreements (1930).
- d) The federal government should set up a First Nations Ombudsmen Agency to advocate/promote/arbitrate intergovernmental resource and environmental management arrangements. The federal government must commit to support sustainable development, information programs and workshops at the community level.
- e) The sustainable development strategy must clearly identify the difference between existing treaties and those which are being negotiated as contemporary treaties. The federal obligations to existing treaties, particularly the "numbered" treaties in the West are already binding obligations on the Crown.
- f) The authors of the next draft of the strategic plan should seek input from the Saskatchewan Office of the Treaty Commissioner and implement many of the recommendations of the Royal Commission on Aboriginal Peoples (RCAP) -

particularly those related to economic development and greater access to lands and resources.

- g) Federal obligations to First Nations should be identified and form "stand alone" sections of all the federal departments required to prepare sustainable development strategies - not just the DIAND plan.
- h) First Nations should be funded on a local level, tribal council level and regional level to establish the standards, policies and management/regulatory infrastructures required to implement and enforce sustainable development on and surrounding reserve lands. This includes funding to engage the necessary expertise required for environmental impact assessments and to guide responsible and environmentally sound resource development planning and projects.
- i) Individual First Nations require their own resource management planners and DIAND should commit to providing the funding for these services.
- j) The final plan should include a clear process for implementation and enforcement of the plan - if it is only a guideline it will be largely ignored by governments and/or industry unless there is some "force of law" and compliance regulations included in the strategy.
- k) The plan should provide for First Nations full representation on all resource management/environmental policy/boards and enforcement regimes.
- l) An emerging effective vehicle for DIAND to promote/implement the strategic plan is the co-management program and support funding - this should be prioritized and greatly expanded.
- m) "Accountability" is a word viewed with suspicion by First Nations - it has historically referred to fiscal accountability and largely applied to First Nations in the form of compliance with federal fiscal/program guidelines. Accountability should be clearly defined in this plan and it should refer to the responsibility of the federal government to enforce sustainable development practices, to protect Treaty rights and fiduciary trust obligations, to assist First Nations tangibly to achieve self-sufficiency, and to recognize First Nations governance and jurisdiction as one of three orders of government in Canada in terms of equality of laws, equality of governments, equality of jurisdictions.

Environmental Recommendations

- a) Goal 5 in the "Green Book" represents a good initial treatment of the environmental issues/concerns of First Nations. In the next draft there should be specific goals and action plans to address the following issues which emerged from the workshops.
- b) Chemical use in agriculture may provide for more bountiful harvest however the negative effects on health in the environment needs to be addressed.

- c) Canada's forestry harvesting practices, largely driven by industry and profit motivation, are destroying this resource and wildlife habitat neither forests nor wildlife will be available for future generations if these practices continue.
- d) Caribou herds in the north are disappearing stewardship of this resource is becoming critical.
- e) Issues of water pollution and its effect on human life as well as fisheries must be addressed specifically in the plan. This is particularly important in bodies of water and rivers on or traversing reserve lands and traditional territories.
- f) First Nations must have the capacity to evaluate environmental impacts of emerging industries. A specific example is the explosion of game ranching and "hog farming operations" in Saskatchewan and their potential for the spread of disease to other forms of life, water (particularly sub-surface water tables) and air pollution, et al. The First Nations are not "anti-development" but must have the capacity to evaluate these initiatives on a project-by-project basis in a timely way. First Nations are not convinced that current federal/provincial assessment programs provide adequate protection for potential impacts on First Nations lands and peoples.
- g) There is a need for a First Nations regional environmental assessment/public information agency funded by the federal government.

Socio-Cultural Issues

- a) The draft strategy seems to largely ignore the federal responsibilities to protect and preserve the First Nations "way of life" and unique culture, history and languages. This was one of the original planning dimensions and it should be re-incorporated into the strategy to include the following:
 - There should be federal commitment to support a First Nations curriculum, education system based on First Nations culture and beliefs.
 - DIAND should act as an advocate interdepartmentally with other Federal departments such as Heritage Canada to ensure that there are strong socio-cultural commitments and programs support for the preservation of First Nations heritage sites and recognition of traditional territories such as the Churchill River system and the Athabasca/Fond du Lac River systems in northern Saskatchewan.
 - DIAND should make strong commitment to support the development of First Nations culturally themed tourism attractions and work closely with Industry Science and Technology Canada (ISTC) to ensure that there is adequate funding for development and marketing of First Nations' history and culture.

- DIAND should make a strong commitment in the strategic plan to advocate having First Nations languages recognized as official languages in Canada which are constitutionally protected.

Furthermore, the DIAND strategic plan should include a strong commitment to support, through the educational systems public information programs promoting the First Nations' concept of ecological balance including public education programs directed specifically to First Nations' communities and to the general public.

Economic development, employment and training issues

- a) The draft strategic plan is virtually silent with respect to any strong commitments to co-ordinate First Nations economic development program support or to make it a priority in the identified need to invest heavily in a concerted federal effort to achieve economic parity and self sufficiency for First Nations communities and individuals.

A complete section should be developed in the strategic plan which makes a clear and strong statement that DIAND will coordinate a major First Nations economic development national thrust.

- b) As a guide to this dimension of the sustainable development planning, the next draft should carefully examine the 20-year "federal investment in First Nations communities and economies" identified by the RCAP.

Conclusions

The First Nations of Saskatchewan view the goals and objectives of the SDS as extremely important to the strengthening and recognition of First Nations governments, to the preservation of our unique culture and way of life, and to the prevention of environmental degradation.

The extensive consultation process employed by the Regional office of DIAND is to be commended, particularly in terms of engaging the FSIN to coordinate the consultation process which is the most effective way of procuring and presenting the genuine First Nation's perspective on this important issue.

This consultation process must continue into the implementation phase if the framework national strategy is to be effectively implemented on a Regional basis and a genuine capacity is developed within First Nation's governments to influence and/or direct the dimensions of the Sustainable Development Plan. It is a consultation process which should also be used for other important issues in the future.

In the end, the proof of success or failure of the effort that has gone into the preparation of this plan will be tangible, demonstrated action by the department, and the Federal government

interdepartmentally, in strengthening and supporting the First Nations to implement the goals and objectives of the plan both locally and regionally.

Exhibit 1

Participation List

The following lists of workshop participants include only those individuals who were funded through the project to participate in the discussions.

In addition to the workshop representatives identified by name/First Nation, at every workshop there were (FSIN), Tribal Council, Individual First Nations, and Federal staff/officials also participating and providing expertise and input into the discussions.

In total the workshops involved consultation/participation by 123 individuals.

Sustainable Development Workshop

Prince Albert Grand Council, Prince Albert Inn, July 2-3, 1997

Participants

Name	Organization	Address/Phone/Fax
Virginia Bird (Chief Barry Ahenakew)	Ahtahkakoop	Phone: 468-2344; Fax: 468-2326
Darlene Goodvoice	Wahpeton Dakota Nation	P.O. Box 128, Prince Albert, Saskatchewan; Phone: 764-6649; Fax: 764-6637
Cy Standing	Wahpeton	P.O. Box 284, Prince Albert, Saskatchewan; Phone: 764-0610
Charles Whitecap	Prince Albert Grand Council	Phone: 953-7200
Chief Dennis Whitecap	Shoal Lake Cree Nation	P.O. Box 51, Pakwaw Lake, Saskatchewan ; Phone: 768-3551
Edward Henderson (Chief Henry Naytowhow)	Montreal Lake Cree Nation	P.O. Box 2, Christopher Lake
Harry Bighead	Sturgeon Lake First Nation	Phone: 764-1862; Fax: 764-1877
Joe P. Roberts	Kitsaki Development Corp.	Lac La Ronge; Phone: 425-2600; Fax: 425-2183
Hillary Cook	Kitsaki Development Corp.	La Ronge, Saskatchewan S0J 1L0; Phone: 425-2600; Fax: 425-2288
Chief Harry Cook	Lac La Ronge Band	Box 480, La Ronge, Saskatchewan S0J 1L0; Phone: 425-2183; Fax: 425-2540
Rod Hegland	Lac La Ronge Band	Box 480, La Ronge, Saskatchewan S0J 1L0
Jonas Roberts	Lac La Ronge Band	Box 480, La Ronge, Saskatchewan S0J 1L0
Steven Lallberte	Cumberland House Band	Cumberland House; Band Office
Zachary Whitecap	Red Earth First Nation	Red Earth, S0E 1K0; Phone: 768-3617
Ian MacKay	Red Earth	Red Earth Band Office

Sustainable Development Workshop**Touchwood, File Hills, Qu'appelle, Country Squire Inn, July 9-10, 1997****Participants:**

Name	Organization	Address/Phone/Fax
Glen Gordon (Resource Person)	Pasqua First Nation #79	Pasqua First Nation, Band Office
Tim Bonish	Medical Services, Heath Canada	1911 Broad Street, Regina; Phone: 780-5434; Fax: 780-6796
Lorraine Cyr, Band Councillor	Pasqua	P.O. Box 968, Fort Qu'Appelle, Sask. S0G 1S0; Phone: 332-5697
Les Goforth, Headman	Peepeekisis	Phone: 332-8063
Bob Smoke, Councillor	Fishing Lake	Phone: 338-3838
Ina Kahnpace, Band Councillor	Pasqua	P.O. Box 968, Fort Qu'Appelle, Sask.
Gordon Dumba	Wood Mountain First Nation	Box 104, Wood Mountain, Sask. S0H 4L0; Phone: 543-4204; Fax: 545-9817
Evaline Crowe, Councillor	Day Star Band	Box 277, Punnicy, Sask. S0A 3C0
Caroline Poorman, Councillor	Kawacatoose First Nation	Box 640, Raymore, Sask.
Pearl Bellegarde	Little Black Bear First Nation	Box 144, Ituna, Sask. S0A 1N0
Richard J. Nokusis	Okanese	Box 637, Balcarres, Sask. S0G 0L0; Phone: 334-2970 (H),; 334-2532 (B); Fax: 334-2545
Louis Oakes	Nakaneet First Nation	Box 548, Maple Creek, Sask. S0G 0L0; Phone: 662-3660/3692; Fax: 662-4160
Bernard Jack, Band Councillor	Carry the Kettle	Box 62, Sintaluta, Sask. S0G 4N0
Christina Pelletier, Councillor	Muskowekwan	Box 249, Lestok, Sask. S0A 2G0; Phone: 274-2061/274-2110

Walter W. Pylypchuk	DIAND - Sask Region	2221 Cornwall Street, Regina, Sask.; Phone: 780-6421
William Crowe, Director of Operations	Piapot First Nation	General Delivery, Zehner, Sask.

Sustainable Development Workshop

Saskatoon Tribal Council/Agency Chiefs Sands, July 16-17, 1997

Participants:

Name	Organization	Address/Phone/Fax
Senator Walter Bear	FSIN	304, 399 - 32 St. W., Prince Albert, Sask. S6V 5E3; Phone: 763-1609
Ron Beatty	FSIN	Saskatoon; Phone: 665-1215; Fax: 224-4413
Rex Lumberjuak	Kinistin Band	Phone: 878-8188; Fax: 873-5235
Kevin Greyeyes	Muskeg Lake	Phone: 466-4959
Ron Bloka, CEO	Agency Chiefs Tribal Council	Box 327, Spiritwood, Sask. S0J 2M0
Randy Bear, Councillor	Muskoday	Box 9, Birch Hills; Phone: 764-1282
Chief Edward Bill	Pelican Lake	
Roddy Stonne	One Arrow First Nation	Phone: 978-6601; Cell: 227-6618; Fax: 382-9256
Fletcher Greyeyes	Urband First Nation	Phone: 764-2305
Hickson Weenle	Big River First Nation	Phone: 724-4700
Alpha Lafond, Senator	Muskeg	Box 41, Marcelin, Sask. S0J 1R0
Gilbert Chamakese, Councillor	Pelican Lake Band	Phone: 984-2313
Sidney Bill, Councillor	Pelican Lake Band	Phone: 984-2313
Leslie Pechawis, Band Councillor (Forest Technician)	Mistawasis First Nation	Phone: 466-4800

Yorkton Tribal Council

Pat Woods, Saskatoon, Saskatchewan

Attendance For July 17, 1997 - Yorkton, Saskatchewan

Malcolm Delorme	Cowessess First Nation
Cheif Louie Taypotat	Kahkewistahaw First Nation
Senator Joseph Crowe	Kahkewistahaw First Nation
Chief James Severight	Cote First Nation
Senator Hector Badger	Cote First Nation
Norm Stevenson	Cote First Nation (not all day)
Fred Quewezance	Keeseekoose First Nation
Chief Laura Big Eagle-	Ocean Man First Nation
Terry O'Soup	Key First Nation
Dale Dormes	Yorkton Tribal Council
Pat Sparvier	Yorkton Tribal Council
Ted Danyluk	PFRA - Melville
Walter Pylypchuk	INAC

Sustainable Development Workshop

**Battleford Tribal Council/Meadow Lake Tribal Council, Battleford Tribal Council,
Boardroom #1, July 21-22, 1997**

Participants:

Name	Organization	Address/Phone/Fax
Noel McIntyre	English River First Nation	General Delivery, Patuanak, Sask. S0M 2H0 Phone: 396-2066; Fax: 396-2155
Gary Armstrong	Mosquito	Box 2022, Battleford, Sask. S0M 0E0 Phone: 937-7149; Home: 445-1353
Senator Frank McIntyre	English River	Patuanak, Saskatchewan
Senator Jimmy Myo	Moosomin	Box 273, Cochin, Sask. S0L 0L0
Senator Johnson Kakum	Little Pine First Nation	
Lawrence Mistikokat	Waterhen Lake First Nation	Band Office: Phone: 236-6717; Fax: 236-4866
Ernie Alexan	Island Lake	Box 460, Loon Lake, Sask. S0M 1L0; Phone: 837-2188; Fax: 837-2266
Dean Martel	Waterhen Lake	Waterhen Lake, Sask. S0M 3B0; Phone: 236-6717

Exhibit “2”

Finalizing A Sustainable Development Strategy For DIAND and The Saskatchewan First Nations

Workshop Format/Agenda

Opening Prayer

Opening Remarks - Vice Chief Allan Adam/Vice Chief Lindsay Cyr

Overview of Sustainable Development Project - DIAND Regional Office

- The International Scene:

The 25th Anniversary of the United Nations Conference on the Human Environment
“Stockholm Conference”

The 10th Anniversary of the Report of the World Commission on Environment and
Development, Bruntland Commission

- Our Common Future in 1987

- Canada Audit General Act Amendment

The 5th Anniversary of the United Nations Conference on Environment and
Development (UNCED) “Rio Conference”

- The Federal Government Agenda

The Auditor General Act mandating all Federal Departments to complete a Sustainable
Development Strategy by December 1997.

Reviewing Federal Department Programs and Policies on Sustainable Development.

DIAND’s Sustainable Development Strategy - National Draft

- Review of the Phase I Consultation Process and the Saskatchewan Regional Report -
FSIN Official

Definition of Sustainable Development

Review of First Nations Input into the Four Project Dimensions to date

- Group Discussions/Input

Review of Issues, Goals, Objectives, Recommendations and Targets for South of 60^{0N}

- Review of sections of DIAND national draft with focus on:

Section 5 - pages - 10-24

Section 6 - pages - 15-24

Annex 2 - pages - 1-10

- The purpose of this review will be to see how close the national DIAND Draft reflects the First Nations' recommendations.

Review of Specific Original Dimensions of the Strategy

Procedural/Process Issues

Socio-Cultural Issues

Environmental Issues

Economic and Employment Issues

- The purpose of this review will be to identify deficiency in the DIAND Draft which must be addressed.

- Intergovernmental Co-ordination

From these Phase II consultations there will be two basic products:

A report to DIAND recommending improvements to their plan.

A specific First Nation-DIAND joint plan for the Saskatchewan Region

- The objective of these discussions will be to:

Identify current roles and responsibilities of DIAND, other Federal departments and the Province to support the FirstNation's recommendation.

Identify intergovernmental co-ordination needed to change current policy, recognizing First Nations jurisdictional/laws, and determine how practical change will occur.

Exhibit “3”

1. **Sustainable** – sustainable development must be viewed in a First Nations “holistic” context.

Sustainable development, is therefore defined as integrating all future development in a holistic way which will lead to:

- healthy individuals, families, and communities which are self-sustaining;
- healthy First Nations governments which are self-sustaining;
- healthy economies which are self-sustaining;
- controlled development of lands (on and off-reserve) and resources which are managed to minimize destruction of wildlife habitat, traditional and cultural lands, and are regenerated for use of future generations;
- environmental protection standards which are developed according to First Nations values of respect for, and sharing, of land and resources;
- cultural protection including First Nations languages, history, traditions, values and unique way of life;
- development of intergovernmental processes and relationships which respect and protect Treaties and Treaty Rights, and which recognize First Nations jurisdiction as one of three constitutionally recognized orders of government in Canada;
- appropriate fiscal relations in the form of expanded First Nations control of lands and resources, honouring of all Crown obligations to Treaty programs and services; and which are based on resource revenue management and sharing which will provide an adequate fiscal base for financing community and regional First Nations government;
- focused employment and economic development strategies whereby First Nations citizens can all become productive and expect to have a quality of life equivalent to other citizens in Canada.

2. **Procedural “Dimension”** - the definition used in Saskatchewan Regional DIAND workshops has been refined and clarified to mean the following:

- **intergovernmental processes and relationships** - how can the Federal and Provincial governments structure themselves to recognize First Nations jurisdiction, develop co-jurisdictional arrangements over traditional lands and resources and

within Treaty territory, and include First Nations in the development and enforcement of policies, programs, and management regimes as full and equal partners in resource management and in support of self-sufficiency?

Exhibit “4”**Principle Three - All Life Forms Are Inter-Related****A. *Mother Earth encompasses all Life forms***

1. The environment was shaped and created by the Creator, and modified by Mother Earth’s forces. It is not man’s place to modify anything.
2. Each Life Form, has its designed place within the environment.
3. All Life Forms were created to adapt to Mother Earth’s changes.
4. Any alteration of the environment, or any Life Form, is inconceivable.

B. *All Animal and Plant Life Forms are Inter-related*

1. Every Life Form is considered a significant and contributing factor, of and to the environment.
2. The Indian people, understand the delicate balance of the food chain, of which they are part of. They acknowledge the Forces of Mother Earth, that are the ultimate source of this food chain (Sun, Rain, Wind, etc.).
3. Traditionally, Indian people are able to foresee the cyclic patterns of the Animal and Plant populations, and prepare accordingly.
4. Indian people live by Mother Earth’s Law of Circular Interaction.

C. *Variations and Change*

1. Any change on Mother Earth has an affect on all Life Forms.
2. Due to the changes in Mother Earth, the numbers of animal and plant life forms are affected.
3. The trend of continuous replacement is considered natural.
4. Mother Earth’s events, not human intervention, should direct the rate of succession.

D. *Adaption is Natural and Continuous Within all Life Forms*

1. The changes within Mother Earth determine the change within all Life Forms over the generations.

Principle Four - Care Of Mother Earth

- A. *Traditional Conservation and Preservation of Animal and Plant Life does not include management or man's intervention.*
1. Indian peoples' conservation practice, with the plants and animals, was based on "take only what you need basis and being thankful."
 2. Resource and environment management by Mankind has not improved animal, plant or human life.
 3. Traditionally, resource management was left to the Creator and his Grand Design.
 4. The Philosophies, objectives and practices of all Indian Nations on resource management are compatible: they lived by the same hierarchy, set in place by the Creator. The needs of animal and plant life forms come first, and are to be respected.
- B. *To the Indian People, Animal, Plant, Water, Wind and Sun, are not seen as natural resources. They are seen as Life-giving and are considered sacred. Minerals are considered as part of Mother Earth's being.*
- C. *Respect is the key to the survival of all Animal, Plant and Human Life.*
1. Indian People, internalized from a very early age, that without animal and plant life forms, they would not exist. They did very little to change the habitat.
 2. From 'reading' plants and other environmental changes, Indian people know the abundance, or scarcity of Animal Life.
 3. Where the environment has been altered, animals are endangered or threatened. They are unable to adjust to these natural changes, that have been initiated by Mankind, directly or indirectly.
 4. Introduction of Animal Life into a different area is not practised by the Indian people. The Animals have Creator-given rights to live wherever they choose to live, and they are the best judges of where that should be.
- D. *Indian people do not attempt to manage Animal or Plant Life Forms.*
1. The values of mankind must change.

Cultural And Social Interaction With Animal And Plant Life

- A. *Prior to European contact, Indian cultures had a close relationship with the Animals and Plant Life Forms. Through time, and with the alteration of the Indian's people's environment, this relationship changed.*
1. With the depletion of animal life forms, and the restrictions from living on Indian reservations, this relationship suffered.
 2. Indian societies adapted to their environment, and utilized what was provided; eg. Plains Indian main source of livelihood, was the buffalo.
 3. Indian people still depend on animal and plant life forms to supply a portion of their requirements for food, medicine, shelter and clothing.
 4. The spiritual beliefs of Indian people, in regards to animal and plant life forms, has been misinterpreted.
- B. *Indian Cultures have a variety of social mechanisms in place that are directly related to Animal and Plant Life Forms.*
1. The values, ethics and historical traditions of the Indian people are reflected in their ceremonies, rituals and revered attitudes, towards animal and plant life forms.
 2. All the different Spiritual, Social and Medicine Societies (in Indian Cultures), directly or indirectly, relate to the Animal and Plant Kingdoms.
 3. Indian names are often derived from Nature.
 4. All Aboriginal People around the world, have the same basic belief and attitude, towards the environment.

The Future Of Mother Earth And Mankind

- A. *Grandfathers, generations past, prophesied the present state of our environment.*
1. Animals and plant life forms, have not been seen as Life Forces and Life Giving. Humanity has not taken the time to learn and understand the environment from it's source. He learns from books.
 2. Mankind has been taking and taking, without putting something back into Mother Earth.
 3. The abuse of plant and animal life forms, and the pollution of our Mother Earth, must stop.

4. Mother Earth's Law of Circular Interaction, must be taught.

Appendx A, Distribution List

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DIAND

Sustainable Development Strategy

Manitoba Region Report

Phase II

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Date: October 15, 1997

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Introduction

A Manitoba Region internal Department of Indian and Northern Affairs (DIAND) working group was established in April 1996 in response to the national legal requirement for the department to submit a Sustainable Development Strategy (SDS) to Parliament by December 1997. The group consisted of various departmental managers knowledgeable in regional departmental programs. Based on a contract with the International Institute of Sustainable Development (IISD), the working group was assisted by several members of IISD and three representatives of the Centre for Indigenous Environmental Resources (CIER). A series of three meetings was conducted to scope out the issues, obtain suggestions for additional First Nation involvement, and to provide information to IISD in order to develop a tool that may assist in the analysis of regional programs from a sustainable development perspective. The IISD report was completed in March 1997. The report's Executive Summary is attached as Appendix A.

Following the initial working group meetings, Manitoba Region established an objective to conduct sessions with representatives of Manitoba First Nations to share information and promote discussion concerning the federal government's SDS initiative, and more specifically the department's SDS process. Five information sessions were conducted with Manitoba First Nation Organizations:

1. Manitoba Keewatinowi Okimakanak (MKO): representing 25 First Nations, the session was conducted on 13 - 15 November 1996 in the Opaskwayak Cree Nation community with 61 representatives of 20 member First Nations and three member Tribal Councils;
2. Interlake Reserves Tribal Council (IRTC): representing six First Nations, the session was conducted on 19 November 1996 in the Little Saskatchewan First Nation community with 17 representatives of five member First Nations;
3. Southeast Resource Development Council (SERDC): representing nine First Nations, the session was conducted on 27 - 28 November 1996 in Winnipeg with 24 representatives of eight member First Nations;
4. West Region Tribal Council (WRTC): representing nine First Nations, the session was conducted on 3 December 1996 in Dauphin with 22 representatives of seven member First Nations;
5. Dakota Ojibway Tribal Council (DOTC): representing eight First Nations, the session was conducted on 30 January 1997 in Brandon with 46 representatives of the eight member First Nations.

Following the information sessions and after the department's SDS - Draft For Discussion had been circulated, additional sessions were organized specifically to obtain feedback on the draft document. Given the tight time frames that the department was operating under, it was not possible to conduct all of the sessions before the SDS was finalized. In particular, several attempts were made to set up a session with MKO First Nations; however, the meeting was postponed at the urging of the Swampy Cree Tribal Council and will likely be rescheduled for late November 1997. Nevertheless, the region will continue to discuss Sustainable Development

(SD) with Manitoba First Nations. The sessions that were conducted before the deadline are as follows:

1. West Region Tribal Council (WRTC): representing nine First Nations, the session was conducted on 26 June 1997 in Dauphin with approximately 25 representatives of seven member First Nations;
2. Interlake Reserves Tribal Council (IRTC): representing seven First Nations, the session was conducted on 15 July 1997 in the Lake Manitoba community with 15 representatives of five member First Nations;
3. Dakota Ojibway Tribal Council (DOTC): representing eight First Nations, the session was conducted on 15 September 1997 in Brandon with 42 representatives of seven member First Nations;
4. Southeast Resource Development Council (SERDC): representing nine First Nations, the session was conducted on 17 and 18 September 1997 in Winnipeg with 32 representatives of 7 member First Nations.

Additionally, at a session with interested staff on 18 September 1997, participants committed to working together to produce a regional implementation plan once the department's SDS is finalized.

Messages Received

The following represent consistent messages provided by the participants:

- A. These sessions do not constitute "consultation", but were information-sharing sessions intended to begin consultation. First Nation representatives wanted assurance that the consultation will continue. Other related messages include the following:
 - i. As part of the SDS process, the department and First Nations should reach a common understanding of what exactly constitutes "consultation";
 - ii. There has been difficulty in ensuring meaningful review of draft documents given the tight time frames. With the first SDS finalized, continued consultation should proceed at a rate dictated by First Nations.
- B. It was noted that SD is a traditional First Nation concept that was practiced for many centuries before contact with Europeans. There was consensus that the definition and principles of SD, as articulated in Sections 2 and 21.1 of the *Office of the Auditor General of Canada and Sustainable Development Monitoring and Reporting Act*, are a good basis to develop the Department of Indian Affairs and Northern Development (DIAND) SDS; however, the following needs to be considered by DIAND:
 - i. If the typical definition of SD is based on the integration of ecological, economic and social components, then the definition would be more meaningful to First Nations if it included a spiritual/cultural component;

- ii. There is a need for DIAND to reword the SD principles from Section 21.1 of the Act so that they relate specifically to DIAND business, and then to integrate them into all aspects of that business.
- C. There was general consensus that the *Indian Act* represents a major impediment for both the department and First Nations in the pursuit of SD, particularly in that the *Indian Act* promotes centralized decision-making rather than local control and does not provide many of the tools required for peace, order and good government in modern times.
- D. There was concern expressed about the present unsustainability of many of the communities in terms of the limited land base that leaves few options for the growing population with respect to residential and resource development, and the development and/or expansion of the on-reserve economy.
- E. There was concern expressed about past and present impacts that First Nation communities endure concerning off-reserve resource development. Too often these developments conflict with numerous SD principles such as the equity principle (one group benefits whereas another, usually First Nations, do not and at the same time are negatively affected). There was consensus that the sustainability of many communities is linked inextricably to their ability to gain access and control over off-reserve resources. Other related messages include the following:
- i. Concern was expressed about the intransigence of the provincial government concerning co-management initiatives and with respect to the recognition of off-reserve First Nation interests (eg. treaty and aboriginal rights, and provincial fiduciary obligations flowing from the *Natural Resources Transfer Agreements*). There was consensus that DIAND, in the context of its SDS, needs to review its fiduciary obligations in this area and determine what additional assistance can be provided to First Nations in order to lever concessions from the provincial government;
 - ii. It was recognized that the Report of the Royal Commission on Aboriginal Peoples (RCAP) may provide some guidance in this area, and that the department needs to respond to RCAP, and ideally integrate the RCAP response with the SDS;
 - iii. There is a need for DIAND to be a public advocate respecting First Nation rights, in particular to educate the public, other federal departments and the provincial government.
- F. There was general consensus that the DIAND SDS should be written in a manner as to be “user friendly” for First Nations, and should consider three aspects of SD as it relates to DIAND business and responsibilities, as follows:
- i. Greening the office measures to ensure that DIAND’s operations use the least resources possible, minimize their environmental impact and promote sustainable practices;
 - ii. A review of policies and programs to ensure that DIAND’s dealings with First Nation governments and people promote rather than inhibit SD;

- iii. Determination of how DIAND can promote and assist First Nation communities to prepare their own SDS.
- G. There was a strong feeling among the participants that DIAND, and perhaps other federal departments, must assist First Nations in developing and maintaining their own technical capacity to address SD-related and, in particular, environment, environmental-health and natural resource development-related issues.
- H. There is a desperate need for the department and First Nations to rebuild mutual trust in order to facilitate the development of a new partnership. The new partnership is required to implement SD, and to progress toward implementation of the inherent right. Past and present issues need to be mutually defined and resolved, and a shared agenda for the future needs to be developed.

Conclusions

The Manitoba Region has engaged First Nations in discussions respecting SD. Although discussions are in their infancy, the region will attempt to maintain the momentum as the consultation process continues with the implementation of the department's first SDS and through the preparation of the next SDS three years hence.

Appendix A (taken from) Approach to Dealing With Sustainable Development at the Department of Indian and Northern Affairs

By: The International Institute of Sustainable Development, March 1997

Executive Summary

Sustainable Development and DIAND

This report was commissioned by the Manitoba Region of the Department of Indian Affairs and Northern Development (DIAND) as part of the department's response to the sustainable development reporting requirements recently enacted in Canada. The tools developed for this report provide an analytical framework that the department can use to examine its existing programs for compliance with the principles of sustainable development. The framework can also be used to help in the design of new programs as the department moves through a period of dramatic change in its role and responsibilities.

The tools advanced here have a broader application - they can be used by an individual community to help it reach a consensus as to its own development goals in the holistic context of sustainable development. In so doing, the tools will help deliver a more practical and concrete meaning to the concept of sustainable development. Furthermore, where the community and DIAND both utilize this approach, it can form the basis for a very positive partnership between them, redefining the roles of each with respect to the other and with respect to the other government policy issues.

Sustainable Livelihoods

The team working on this report had first to grapple with the definition of sustainable development as it applies to DIAND. Beyond the broad policy statements of the federal government, the department did not have a practical definition that could be used in program design and analysis. The team applied previous International Institute of Sustainable Development (IISD) work on sustainable livelihoods, expanding it to fit the situations of First-Nation communities in Manitoba. A sustainable livelihood for an individual is one which successfully meets that individual's economic needs, while maintaining environmental integrity, and also fulfilling social, political, cultural and spiritual needs.

The components of a sustainable livelihood can only be defined by an individual and by a community. While others such as the advisory committee that worked with IISD on this report can make educated guesses as to the components, the full process will require careful community consultation. This is a real strength of the sustainable livelihoods approach, because it requires that the practical definition of sustainable development be established by the community itself, thus guaranteeing relevance to daily activities. The process will further result in analysis that takes all important issues into account, not just the ones that are program items for DIAND.

Applying the livelihoods approach to DIAND

DIAND's programs are changing rapidly for several reasons, especially the devolution of responsibility for many issues to the First Nations. Programs are also evolving to meet community needs which are changing for reasons such as economic viability, natural resource depletion, and pressure on individual livelihoods. In responding to these pressures, the communities and DIAND both face constraints in making changes, including the ongoing negotiation of many treaty and governance issues, the capacity to absorb change, and the rigidities of the *Indian Act*. While the use of the livelihoods approach will not reduce these constraints, it can help provide a holistic framework in which to analyse the specific issues to ensure that important relationships are recognized.

The approach used in this report involved a working group of knowledgeable individuals who advised on the components of sustainable livelihoods that they felt that First Nation communities would regard as important. This does not substitute for detailed community consultations, which an implementation of this approach would require. The working group first defined the components of sustainable livelihoods, then the relationship between these components and five ongoing DIAND programs. The result is a set of matrices, one for each program analysed. Each matrix shows the definition of the livelihood component, and its relationship to the program in question, both in terms of actual outcomes and possible outcomes. The format highlights the department's areas of responsibility and also areas which are more the responsibility of the individual, the family, or the community. Finally, the matrix raises some evaluation issues from the sustainable development viewpoint. The report deals with issues facing First Nations people on reserves in Manitoba - it does not, for example, address related urban issues.

The result brings together the wide range of issues raised in the components of sustainable livelihoods, with the practical impact of programs in a holistic framework. Relationships that other analytical approaches might not stress are thereby raised. This will help to design DIAND programs which directly deliver some components of sustainable livelihoods, or to facilitate the First Nation itself doing the delivery. It can also help ensure that DIAND programs do not inadvertently limit First Nations or individuals from implementing steps that would help move toward sustainable livelihoods.

Data and measurement issues

While there is a variety of statistical data available, none of it was collected with the concept of sustainable development in mind. It is not surprising, then, that it is not possible to construct a suite of sustainable livelihoods indicators from existing data. Chapter 4 shows how the existing data can be used, and this gives an idea of how indicators could be constructed as better numbers become available.

Key sustainable development issues

The use of the sustainable livelihoods approach does not solve the problems of First Nations or of DIAND. However, it provides a holistic and practical approach to analysing the important issues. The sustainable development framework should help find some better ways of understanding problems and building partnerships to address them.

Appendix B Phase I Information Session with MKO First Nations

The session was formal in that discussions were recorded on video tape and simultaneous translation to and from Cree was available. In addition, a professional facilitator (Mr. Nathan McGillivray) chaired the session, and opening statements were given by Chief Francis Flett of the Opaskwayak Cree Nation (Chief Flett also has the Environment portfolio for MKO), and MKO Grand Chief George Muswaggon. Many elders were among the participants. The session was three days in length, with the first day devoted to the DIAND SDS initiative. Martin Egan, the DIAND Manitoba Region Environment Manager, provided information on the SDS and led a question and answer discussion on day one. The second day included presentations from representatives of Medical Services (Health Canada), Manitoba Environment, the Canadian Environmental Assessment Agency, and the Canadian Standards Association. The final two days were focused on environmental and natural resource development issues. The session ended with the following five resolutions being passed by the participants:

Resolution Number 1

Whereas on November the 13th, 14th, 15th, 1996 MKO hosted an Environmental and SDS Conference;

Whereas in 1992 Canada made a commitment to increase the First Nations capacity to build and sustain healthy communities over a long term;

Whereas as a result Canada is committed to formulate a SDS by December 19, 1997 as required by law and as agreed to by the First Nations of MKO;

Whereas this consultation paper currently being developed must have the full input of First Nations from the different regions;

Whereas this consultation paper must have the full input and the concurrence of the First Nations of MKO;

Therefore Be it Resolved that this assembly of MKO representatives be fully involved in this SDS and the concerns raised by this group be reflected accurately in this paper;

Further Be It Resolved that the representatives from the MKO region must be included in any future consultations and that this gathering here today not be construed as consultations with First Nations or MKO agreeing to a final document to implement a SDS regarding their environment. Further that any document or strategy developed as a result of this process must be reviewed and agreed to by the First Nations of MKO and their memberships.

Moved by Mr. Buddy Brass from Wuskwi Sipihk First Nation

Seconded by Mr. Charles Hart from Nelson House First Nation

Resolution carried.

Resolution Number 2

Whereas on November the 13th, 14th, 15th, 1996 there was a gathering of MKO representatives to review the SDS being proposed by INAC;

Whereas presentations were also made by MKO First Nation Elders and technicians to share their frustrations and concerns being experienced with environmental issues and concerns within their reserves and their traditional territories;

Whereas the MKO representatives in attendance were in full agreement with a conference dealing with the environmental issues was long over due;

Whereas the MKO representatives in attendance are also in agreement that this conference is not to solve all issues regarding environmental problems and impacts on their cultures and lifestyles;

Whereas the MKO representatives in attendance also recognize that there needs to be an avenue on the process of environmental awareness and protection;

Therefore Be It Resolved the MKO representatives present at this conference are calling for a working group to be established to continue and sustain the process of environmental awareness and protection;

Further Be It Resolved that funds be sought from Health Canada, Environment Canada, DIAND and the Canadian Environmental Assessment Agency to maintain the activities of the MKO working group on environmental issues.

Moved by Councillor Gilbert Lathlin from Opaskwayak Cree Nation

Seconded by Councillor William Ferland from Grand Rapids First Nation

Resolution Carried.

Resolution Number 3

Whereas there is no current office for trapping, fishing, hunting and gathering for Treaty Indians to continue to access these treaty rights and to begin to write their own regulations on trapping, fishing, hunting and gathering;

Whereas such an office is needed in order to ensure, preserve and protect treaty rights to trapping, fishing, hunting and gathering traditions;

Therefore Be It Resolved that there be support from the MKO Assembly for the establishment of an office with a President and Vice-President to be elected by resource users and shareholders.

Moved by Robert McGillivray from Opaskwayak Cree Nation

Seconded by Buddy Brass from Wuskwi Sipihk First Nation

Resolution Carried.

Resolution Number 4

Whereas First Nations' ancestral knowledge and processes have sustained peoples from time immemorial;

Whereas First Nations' ancestral knowledge and processes are underpinned by spiritual laws;

Whereas spiritual laws are not subject to codification in the western sense;

Whereas there is a recognized need for the furtherance and understanding of these spiritual laws which underpin our existence and identity and ways of life;

Therefore Be It Resolved that the spiritual laws of First Nations of Northern Manitoba be understood by First Nations and be revisited in the form of a spring gathering.

Moved by Darcy Linklater from Nelson House First Nation

Seconded by Victor Spence from Split Lake Cree Nation

Resolution Carried.

Resolution Number 5

Whereas the Water Quality Technical Training Program of Tataskweyak Cree Nation is presently scheduled to expire on March 31, 1997.

Whereas the MKO environmental working group fully supports the development and continuation of First Nations environment capacities.

Therefore Be It Resolved that the MKO First Nation participants at the MKO Environmental and SDS Conference will urge their respective Chief and Councils to provide such support by the MKO First Nations as is necessary to conclude successful negotiations aimed at securing on-going funding for the Water Quality Program of Tataskweyak Cree Nation.

Moved by Ed Azure from MKO

Seconded by Victor Spence from Split Lake Cree Nation

Resolution Carried

**Appendix C Phase I Information Session and Phase II Discussion
with IRTC First Nations**

Phase I Information Session

The session was informal and chaired by Ms Jacqueline Romanow, the Economic and Youth Development Coordinator for IRTC. After introductory remarks from Ms Romanow, the DIAND SDS initiative was introduced by Martin Egan, DIAND Manitoba Region Environment Manager. A consultant hired by IRTC then provided information concerning the Environmental Management Framework process that the Tribal Council has initiated. The participants then divided into work groups to discuss the two specific questionnaires prepared by the Tribal Council that focused on the following topics:

- i. What does SD mean to our communities?
- ii. Principles for SD.

The final agenda item was a plenary session for the work groups to share the results of their discussions. The following report was submitted to the department by IRTC following the session:

The SDS workshop for the Interlake Reserves Tribal Council took place at Little Saskatchewan First Nation on November 18, 1996. Also included in the information session was a section on the "Role of an Environmental Management Framework in Community-Based Sustainable Development" which was presented by Melinda Clendenan who is a consultant of EBA-Engineering Consultants Ltd. After the presentations, group discussions were conducted and workshop participants were then divided into groups. People that were present represented five First Nations, namely: Dauphin River, Little Saskatchewan, Lake St. Martin, Fairford, and Lake Manitoba.

The following questions were put forward for discussion, what follows is a summary of these discussions.

Is Sustainable Development an important issue in our community? Why?

Sustainable Development is an important issue in our communities because all our communities depend on all resources for their livelihood. Fishing, hunting, farming and trapping are just some examples. We would like to conserve resources such as these to improve our quality of life for the future.

Is Sustainable Development practiced in our community? Illustrate with one or two examples.

Fishing is determined by the province in the form of licences and quotas. Little Saskatchewan is looking to start a recycling program which involves the whole community. This program would serve as a model to other First Nations. Individuals from the various communities practice recycling products, conserving resources and hunting only when needed. If one person gets an abundance of meat from hunting, it is usually distributed to other members of the community

and other surrounding communities. Garbage dumps on reserves, however, are not supervised in regards to the burning of garbage and the dumping of raw sewage.

*What are the barriers to Sustainable Development in your community?
How can these be dealt with?*

The barriers to Sustainable Development in our communities are other parties competing interests. Whether it be political figures or individuals hidden interests. The federal and provincial governments, INAC, Chief and Council, and individual band members are just a few examples. People that look only to short term goals and self interest rather than long term gains is another impediment. People were described as being parasitic, living off the future of their young. Another factor that was suggested that could be a barrier was that the term for the Chief and Council is only two years, this is not an adequate amount of time to make positive changes in the lives of the people that they are serving.

Awareness, knowledge, communication and education are the ways in which these barriers can be overcome.

What does Sustainable Development mean to your community?

Sustainable Development means protection and conservation for the environment. It means that resources would be managed in such a way so that they are not depleted for the use of future generations.

Sustainable Development also means jobs created for members of the community. Working to protect and conserve the environment would mean people of the community coming together and developing a sense of family. Young people could speak about their ideas to each other and make their voices heard to the rest of the community, this in turn would give them a sense of belonging and would build self-esteem. Sustainable Development means bringing pride back into First Nation communities, it benefits us in a vast amount of ways.

Identify six key principles of Sustainable Development

Key principles that we touched on were:

- Sharing
- Protection of human health, eco-system
- Long-term goals - future
- Greater community involvement
- Empowerment
- Meaningful partnerships
- Prevention - "due diligence"

Phase II Discussions

The Phase II discussions were held on September 15, 1997 at the Lake Manitoba First Nation band office, in Lake Manitoba, Manitoba. The workshop was facilitated by Jacqueline Romanow, Economic Development Coordinator of IRTC, and conducted by Hector McLeod, DIAND representative. Mr. McLeod reviewed the purpose of SDS and presented the mandate, an overview of the Manitoba Region Phase I information sessions, and the "DIAND SDS Draft for Discussion".

To address the focal points within the "DIAND SDS Draft for Discussion", two discussion groups were formed. The participants of each group elected a representative, who then made a presentation of their concerns to the workshop group. The following comments were received on the focal points of discussion:

Goal 1 - Strengthen Communities by Facilitating Capacity Building

In summary, the key message received from the communities on Goal 1 is that it is paramount that there be provincial involvement when discussing the sustainability of First Nation communities. The province has total control over areas that are paramount to First Nations, such as natural resources, lands, wildlife, etc. Co-management and jurisdictional issues are crucial. Nevertheless, the following messages were received from the two groups:

Group One:

- i) The group is in agreement with this goal and its objectives.
- ii) To strengthen partnerships, we must have more consultations on the issues.
- iii) Recognition of treaty rights are essential, for the forming of partnerships.
- iv) Implementation of the four pillars of government.
- v) There must be adequate financial resources to negotiate and implement self-government.
- vi) There must be youth involvement.
- vii) DIAND must play a very active advisory role on provincial matters (i.e. Co-management).
- viii) DIAND has to start discussions/negotiations with the province over matters that are paramount (sustainable) to First Nations (i.e. Natural resources, lands, legislation, etc. Matters that will sustain the First Nations).
- ix) First Nations must establish a partnership with the Province.

Group Two

- i) The four pillars of self-government is essential for healthy and sustainable communities.
- ii) There must be continuous lines of communication with both levels of government.

- iii) DIAND must play an advocacy role with province.
- iv) Co-Management agreements with First Nation communities need to be established.
- v) Goal 1 (iv)(b) INAC does not have any control over provincial legislation on natural resources, lands, co-management etc. and therefore cannot change it. Why is this part of the target when you have no control? However, INAC can aggressively advocate changes on behalf of First Nations.
- vi) Goal 1 (iv)(c) there must be First Nation involvement on pilot projects that anticipate the resolution of treaties.
- vii) Goal 1 (v)(a) barriers must be removed and the action plan must include not only a long-term plan but also a short-term plan on economic development.

Goal 2 - Facilitate and Maintain Effective Partnerships

Group One

- i) There must be recognition of an equal partnership over resources.
- ii) Equal partners on the review of policies and programs.
- iii) There must be on-going consultations through a mechanism that is acceptable to both parties.
- iv) DIAND to facilitate partnerships between First Nations and other government departments.

Group Two

- i) There must be a partnership to ensure First Nation participation in review process.
- ii) DIAND revisit block funding as part of determining sustainability of communities because too many off-reserve members are ignored in funding formula - O&M.
- iii) Off-reserve members are excluded in funding formula and perhaps DIAND, the province and First Nations have to negotiate some kind of resolution to off-reserve residents. It is not sustainable to exclude individuals or duplicate efforts and services.

Goal 3 - Integrate SD into Departmental Decision-making Processes

Group One

- i) Link expenditures to program areas for buy-in.
- ii) The targets throughout document should be more specific.

Group Two

- i) Link expenditures to program areas for buy-in.

Goal 4 - Clarify and Define Roles, Responsibilities and Accountabilities

Group One

- i) DIAND must share information on roles and responsibilities.
- ii) Directives as opposed to guidelines.
- iii) No mention of Framework Agreement Initiative (FAI) process in the SDS.

Group Two

- i) There are too many grey areas when it comes to roles, responsibilities, accountabilities and need to be reviewed and reconciled.

Goal 5 - Maintain and Support Healthy Environments

Group One

- i) DIAND should put resources towards the design and construction of infrastructure that will be sustainable and lasting.
- ii) There must be financial commitment to address outstanding environmental issues and remediation.
- iii) There must be effective communications between government departments on environment health issues on reserves to avoid crisis (rail derailments or contamination to food) i.e INAC Environment Unit, Health Canada and Province.
- iv) First Nation control over environment and environmental health (Environmental Management System) (EMS).

Group Two

- i) There must be effective co-ordination of environmental issues.
- ii) There must be resources (financial, technical, human) available to First Nations to have a group of experts to study environmental issues.
- iii) There must be a partnership on environment and improving the living conditions on First Nation communities.
- iv) The housing policy must be reviewed in consultation with First Nations.
- v) There should be a task force to implement and enforce housing standards on reserves.

Main Messages Received From IRTC

The following is IRTC's overview of DIAND's SDS:

- i) Provincial Involvement: The province must change its legislation on natural resources and lands to accommodate First Nations. Natural resources are a source of economic development and thus will enable the communities to achieve the goal of sustainable and healthy communities. Presently, the Province of Manitoba has complete control over lands and natural resources through the Natural Resources Transfer Agreement of 1930, thereby, becoming a hindrance to economic development, sustainability and healthy communities. DIAND does not have any control in this area but must find ways to ensure that the province is part of the sustainability of First Nation communities. The Province has an obligation to do so. IRTC believes that the co-management of natural resources in economic development is a start to an effective partnership with the province and itself. Thus, benefiting both parties.
- ii) Partnership: It is clear that all three parties must discuss the detrimental effects of legislation, such as federal legislation (*Indian Act*, *Fisheries*, etc.) and provincial legislation (NRTA), *Wildlife Act*, *Lands Act* etc.). These legislations are considered to be a major barrier to the SDS and therefore will require creative and radical solutions. In addition, the department must expand its consultation mechanism to include other areas to consult on. The department should not be making decisions for First Nations over matters that will significantly impact the communities and that are of local matter.
- iii) Grey Areas: There are too many grey areas when it comes to the roles and responsibilities of each party. The three parties need to have discussions and a clear outline of roles, responsibilities and accountability.
- iv) Resources: The governments (and INAC) must commit itself to the principles and objectives outlined in this strategy by assisting the First Nation communities to deal with the above mentioned by providing adequate human, technical and financial resources. The resources will go towards technical expertise to enable the communities to adequately review the current policy and program areas of INAC such as the review of the housing standards and policy.
- v) Dismantling Process: There is no mention of the Manitoba Framework Agreement in the SDS. HectorMcLeod mentioned to the participants that this is a strategy that will become part of the national strategy and therefore cannot be regionalised yet. After the SDS is completed, then the principles and objectives will be regionalised to meet the different needs of the regions.
- vi) Revision of Document: In the manner the document was written, numerous complaints were received. The wording was vague and not functional. Furthermore, the formatting was confusing to the participants. The document was not community sensitive.

Appendix D Phase I Information Session and Phase II Discussion with SERDC First Nations

Phase I Information Session

The session was informal, chaired by Mr. Herman Green, the Self-Government Development Advisor of SERDC, and conducted in two parts. Participants included Chief Thunder of the Buffalo Point First Nation and a number of elders. The participants met by themselves on day one to discuss the issues and prepare a position paper for presentation to DIAND on day two. On day two, Martin Egan, the DIAND Manitoba Region Environment Manager, presented information about the DIAND SDS initiative, followed by a discussion, and a question and answer period that were guided by the SERDC position paper. The paper is reproduced as follows:

Date: November 27, 1996

This working paper will be shared with the Southeast Chiefs and Councils for their input by updating, correcting, reviewing and approving for the use of Southeast Assembly of First Nations (SAFN) as their position on sustainable development.

Sustainable Development

Preamble

The legal power of Treaty Rights must be recognized within the Canadian Jurisdictions as being paramount, if First Nations are to become equal partners in the process of law developments. Our Elders say that their traditional philosophy as practiced for hundreds of years was based on a sustaining principle. The natural resources, including the air and water were regarded as precious and valuable; therefore, these were treated with much care and conservation in mind. The traditional culture was intertwined with what our old people believed and practiced. This conservation method was our peoples Indigenous Law which was respected and observed by the people, because they understood simple and complex life forms (both invisible and non-invisible). The past and traditional planning by the Anishinabe on any development involved thinking, discussing, and understanding the consequences of decisions that may have an impact on the upcoming five to seven generations.

Treaty as we in Southeast understand, provides for an economic right for our people. Treaty must be respected and implemented by the Federal Government. Sincere and true negotiations on adequate land base, economic opportunity, fiduciary fulfilment and self-sufficiency issues are required to further our principles of sustainable development. We have to remember that we occupied and owned the land and we still have aboriginal title to it, yet we cannot get a fair deal on our future developments.

Principles

1. We, the people of Southeast, believe that in order to participate within the Canadian Economy, Treaty to economic self-sufficiency must be implemented by Canada which is

necessary in order for us to participate in the sustainable development processes, and we as First Nations will require more land.

2. First Nations within the Southeast region of Manitoba believe that invisible life in the air, water, and land is directly connected and linked to the visible resources which are being extracted, developed and produced. This understanding and knowledge must be regarded as common sense to economic development of our resources. Respect must be held in high regard for these simple values that protect our childrens' childrens future.
3. Southeast First Nations Elders understand that if and when we as Anishinabe harvest natural resources, we are reared in values through our cultures to protect and maintain the invisible life that supports and nourishes these visible growths.
4. We are keepers and protectors of the land. We would like to support laws that protect the earth from pollution and we should be given resources, jobs and tasks that will replenish the natural growth on earth for our future generations. (The concept must be if you extract one growth from Mother Earth, that we all must put back two to grow, if we want to practice sustainability).
5. We want equal participation in the decision-making and the law making processes as they relate to economic activity within our treaty harvesting lands.
6. We believe that sustainable development means maintaining and strengthening our treaty rights to fishing, trapping, hunting, and other harvesting and gathering rights. This is who we are, treaty people, and the Federal Government's jurisdiction and resources has the legal obligation to protect these rights under Treaty. (Our leaders will pursue these action plans).
7. We believe that holistic (interconnectedness of all things) and integrated thinking is required for the law makers and decision-makers in order to support the sustainable development thinking and strategy.
8. We require First Nation conservation officers under our First Nation laws to assess and monitor our treaty harvesting regions in order to maintain and look after our sustainable fishing, hunting, trapping and harvesting and gathering rights. We need human resources to perform research activities and maintain data management controls on our dependency and sustenance.
8. We believe that sustainability also means studying the economic losses (and to receive something in return) of our fur bearing animals, which we never sold and are being or will be harvested by Canada.
10. We believe that our Southeast Chiefs and Councils should continue to protect our treaty rights and should assess the white paper stage of the Provincial Act on sustainable development and that the Department of Indian Affairs assist in the funding of such research.
11. We believe that the sustainable development considerations within our reserve lands are limited to the accommodation of small businesses and residential housing needs only in the next forty years. We cannot plan our lands beyond these two activities due to our

Elders perspective of safeguarding our future generations to meet their needs. Our lands are simply not large enough other than residential housing and small business.

Other Recommendations

1. That a provincial level First Nation committee be established to assess and monitor the vast and varied developments of the province for our own protection on the sustainability of our treaty resources.
2. That Southeast looks into the matter of our trappers not being allowed to monitor their trap zone on account of the provincial parks encroachments into trappers land. That First Nation people are told by conservation employees to stay away from the Provincial parks. That we assess all the laws that affect trapping, land zone, and park land restrictions.
3. Chiefs and Councils need a consistent approach and common strategy on how to protect treaty and develop processes of treaty implementation.
4. Treaty did not sell our livelihood must be maintained.
5. Treaty: what was written in the text of the treaty is only part of the whole treaty process. The missing links of oral discussions, promises and the understanding held by the First People of the land needs to be flushed out and written. Refer to the Framework Agreement Initiative (FAI).
6. Chiefs and Councils should continue to discuss the compensation needed for all our economic, traditional and cultural losses to date.
7. Chiefs and Councils should proceed to lay claim to traditional, cultural and sacred lands that they have used and continue to use as their shrine. Lay claim to lands with soil in similar amounts as those presently possessed with rock and swamp.

Words and Notes which stimulated discussion on the meeting November 27, 1996

- More land base
- Forestry
- Fishing (commercial and tourism)
- Trapping
- Water
- Equality
- Jobs/employment
- Hunting
- Replenishing resources

- Repayment for various losses
- Maximum use of resources
- Creator provided for our needs
- Mining (FN owned)
- Training components
- Preamble on treaty rights
- Mission statements
- How to legally implement a moratorium on outside business
- Have a say on what goes on
- Roads/highways/railways
- Positive and the negatives
- Finances
- Treaty must be discussed
- Truth, wisdom and vision as to our culture perspectives must be discussed
- What about the Queen and her relationship to us
- Queen: what she promised! To look after us for a long time, what you see outside (sun, river, grass) if these stop, she stops providing
- Her promises are within the treaty
- Where is this request coming from? On sustainable development no money can afford our land and resources
- Today we find it expensive to live within our reserve (sewer/water systems)(cost of food)
- Where is the Queen when she promised, I will look after you, I will provide for you. You can live like the whiteman she said. All I do is pay like a whiteman
- The Queen never bought the forests, the fur bearing animals, in other words the natural resources, these are ours which fall into Inherent Rights
- Yes, hard times were had by our old people back then and life was full of uncertainty but we had our land and resources. After treaty hard times were still with us until we fought for our rights. Now you see welfare.
- Power was given to the crown to look after the land by the First Nation peoples

- It now sounds like we owe a lot to the Fed/Prov Governments. What a turn around
- Treaties are being broken, because I now have to pay for the trees if I want to use them
- I thought we never sold these! Let me talk to the person who said we sold these!
- Joe Malcolm to deal with the death at Little Grand Rapids (LGR) inquiry requested on suspicion of foul play
- Indian Act
- Herbs and medicines
- Rice gathering
- Fire fighting to protect our lands (methods allow it to burn, we don't want it to burn)
- FN are losing their rights
- Whites are taking over our lands, they have permits (paper) that says its theirs. Our leaders must address these concerns and these developments; we are not sustaining anything; we are allowing things to slip away from our controls.
- Look into Federal/Provincial park regulations re: First Nation hunting, fishing, trapping, and harvesting rights.

Phase II Discussions

The Phase II discussions were held on September 17 - 18, 1997 at the Marlborough Ramada Hotel in Winnipeg. The session was facilitated by Mr. Herman Green, SERDC Framework Agreement Initiative Coordinator. Elder Christina Bird of Little Black River First Nation provided an opening prayer and both Mr. Green and Chief Jim Prince of Brokenhead First Nation (and the Chair of SERDC) gave opening remarks. In addition to Chief Prince, the participants included Chief Kent of the Little Black River First Nation and Chief Owen of the Pauingassi First Nation, along with a number of Elders.

Martin Egan, DIAND Manitoba Region Acting Director of Lands and Trust Services, then reviewed the purpose of SDS and provided an overview of the Manitoba Region Phase 2 Information Sessions, and the "DIAND SDS Draft for Discussion".

To address the focal points within the "DIAND SDS Draft for Discussion", three discussion groups were formed. The participants of each group elected a representative, who then made a presentation of their concerns to the workshop group. The following comments were received on the three focal points of discussion:

The Principles in Table 1 (page 7): Are they appropriate to guide departmental employees in the application of sustainable development to their specific work area?

Group One: Elders (verbatim)

A woman came to see me about land use. The use of our land has gone wild and the young people are responsible. *We need to go back to the way it was. We need to fix what has been broken.* Old people pray, but the young people do not, they spoil what was. Drinking, sniffing, these are the things that spoil everything else. *We need to stop things before more gets broken.*

We were told the treaties would never get wiped out. Why would the Indian try to bother things when he was promised for all eternity. The Indian was given these rights, not the Whiteman. Now the Whiteman is breaking them all. What is the Whiteman doing? He assumes that he will take everything - assumes that the Indian is not capable. The Whiteman is controlling the trees.

The Queen said; "I am not buying your trees", "I am not buying your animals", "I am not buying your birds and fish." "These things you can harvest as long as the sun shines, rivers flow, and grass grows." Now, what is the Whiteman doing? He is selling these trees, animals, birds and fish. We were told that no one would ever break these treaties. Now we hear that payments are going to stop. I have asked these at other meetings, but I never hear a response.

Whiteman sold lakes for fishing lodges. Dog Skin Lake, SasaginagachLake, Viking Lake and others. All sold without Indian input. Trapping animals gone missing. There are no beaver. They have been sold. I saw fish floating by upside down, rotting. That is the Whiteman doing. Whiteman has got to be stopped - fishing lodges, etc. In Pekangigum, Indians own fishing lodges, not Whiteman. Whiteman spoils this "Pimajiowin" - livelihood.

Same as yesterday's topic - gun control, I cannot understand it. I have been shooting rabbits, chickens, and moose all my life. Now I have to register my guns. If we are going to fix things, then we need to control our community. There are some people who use guns for a living, but then abuse them when drinking and sniffing drugs. Perhaps, if we are going to make things work, these people have to return their guns to storage in community after hunting. We need to fix this problem of drinking and smoking drugs in our communities. They are dangerous. Young people steal their fathers guns and abuse them.

All kinds of problems come from drugs and alcohol. These problems can be stopped. People have to be encouraged to live straight. One women body was found buried in the forest. Dogs dug it up. This was due to alcohol. We could stop alcohol and drugs. Only give half of the welfare paycheck. People look at money issues, not at living issues. Leaders are afraid to lose their positions, they do not confront their people because they want to be re-elected. Leaders break our reserve (financially). We are in the hole. They stole our money and broke us. Now we want that to work better. It is best to stop drinking. They just hurt themselves. They make themselves old.

These are the reason I came here...to speak on grass roots issues. These things have to be fixed first. We ate what we seen animals and birds eat. There was no bread, no potatoes, no canned foods. We lived off the land. Then the Whiteman came. They made promises. They brought new things to us. But, they said you will be your own decision maker. Yet today, Whiteman makes all the decisions. You will never be short of anything they said, as long as the sun shines, rivers flow, and grass grows. Yet they are trying to cut it off. The Queen made promises. Now they are taking them away.

Group Two

The following comments were made in general:

- i) The group felt it was important and sensible of DIAND to bring together social, economic and environmental concerns.
- ii) To do real consultation, information must be taken back to the community level and properly discussed. Practising consultation with all the people.
- iii) In recognition of DIAND's SDS for the benefit of future generations, the ability to work together as partners is essential. i.e. the planting of trees.
- iv) More community education and consultation for environmental awareness is needed.
- v) The information flow to the community is inadequate, and should be made more readily available.

Group Three

The following comments were made in general:

- i) The member First Nation believe the guidelines should be presented to other departments such as Energy and Mines, CN Rail and Forestry.
- ii) To become involved with the SDS process, the member First Nations see the need for financial assistance. Thus the funding would be utilized for education, awareness, interest and prevention.
- iii) A land use study would have to be initiated on non-reserve and reserve land to promote proper land management.

The Issues in Section 5 (beginning on page 10): Are these the main sustainable development issues that the department should be focussing on in its first strategy?

Group One: Elders (verbatim)

How are the Anishinaabe going to sustain themselves in the future?

They were told before - those who are lazy have to learn to help themselves. Now you try to help them. Example - alcohol/drug treatment centre, they don't stay sober. I think they learn to drink over there. We try to teach them to survive off the land, and they just play with it.

So what will the government do? Are they going to cut off the promises? Even when the Queen dies, the decisions go on. Is this earth broken? No, it is still very much alive. When the Queen bought this land it did not include the trees, birds, and animals. We can still harvest the resources we need.

Oh, yes, in 1905, the signing of the treaty set aside reserve land. They gave us cattle, fish nets, etc. Now these things are not provided. If they did as promised we could feed ourselves. How did the Queen know she had to set aside reserve land? Our people just settled down and made

a living from the land. They were not bothered by others. When the cattle were delivered, they perished in the creeks. We could have had milk and meat. We could have had lots to eat, there would have been a lot of cattle now. Today I still plant a garden. I do not have to buy what I grow. We could have more gardens. People used to get \$5.00 per year, including nets and twine. They could feed themselves. They were able to eat. They were given ammunition to kill rabbits, chickens, and other food to eat. They fed themselves.

The treaties were written on leather so that they would keep. Now where are those treaties? The government is the same then and now. With the same government we made treaty with, they also said medicine and schools would be provided. Sure we see they (DIAND) try to help the Anishinaabe. But the Anishinaabe too has to carry their responsibility.

I told young people how someday the support is going to stop. How are you going to survive? If welfare stops, how will you survive? They stopped living from the land, they now live on welfare. They do not provide for themselves. I tried to teach but they do not learn. They need to learn how to hunt, to trap, to work while the fur prices are still good. But they just play. They should be taught.

Now the Anishinaabe has to pay to use the trees from outside the reserve. We already paid for those trees. Now we are told we need a licence. No, we should not need a licence. We are taken to court for killing loons for food. What is going on? Pimajiowin", survival... how the Anishinaabe kept things, how they survived, how they related to one another and supported each other. This needs to be brought back. We used to get rations, bags of flour, slabs of bacon, bags of tea and sugar. But it was only for those in need. If you could help yourself, you did not get rations. Now we have too much dependance on welfare. While people sit on our traplines, as I have one on my trapline. I asked him for pay for making a living on my trapline, he says he's got no money. He brings Americans to fish, but he's got no money to pay me.

He owes me for making a living off of my trapline. The whiteman has got to pay or move away. The hunters and the fisherman have all got to pay. Did the government say the whiteman could move onto our traplines? They also harvest rice on our traplines. They make money from our lakes. We should operate and manage those resources. If I come to Winnipeg to trap, the police would arrest me. Why don't they go and arrest those people who come to harvest our resources?

Group Two (verbatim)

Group two presented their views on each issue as follows:

Issue #1: It is agreed most communities do not have the capacity of building and maintaining local sustainability. Many factors of this strategy sites several problems such as; restricted land base, access to economic development opportunities and lack of technical capacity.

Many First Nations are too small and isolated to be economically self sustaining. They have little or no control over nearby resources to identify and create economic opportunities. The issue of logging and clear cutting in some communities pose a problem because these resources are depleted by industries already operating in the area. The paper mill has not affected the people of Bloodvein yet. So there is a need to conduct an environmental study in this area. Industry comes into the area having access to licencing and the contracting of 800 cords of

wood. There is no fairness and no monitoring the actual cutting of the trees. How many trees are actually being cut?

Issue #2: The member First Nation are in agreement that DIAND needs to work with other departments to promote sustainable development. As the department needs to work with other provincial and federal departments in this area. DIAND needs to realize and look beyond existing reserve boundaries. Enabling First Nations to acquire permits to harvest trees also. Trucking companies complained about current road conditions and required a new road.

Provincial jurisdiction over timber and other resources, per the 1933 transfer of resources from federal to provincial jurisdiction. This agreement was to be a tri-part agreement. The intent of the numbered treaties was an agreement that First Nations would administer the resources within their territories or land passes. First Nations must return to the table with the provincial and federal departments to talk about resource priorities. First Nations leadership must be strong within the federal and provincial levels.

Referring back to “forward”, this process is a major concern for policy changes and development. DIAND is pressed for time, often forcing them to make changes. Downsizing should not be affecting current budgets. We cannot be forced to make ill-prepared decisions. But in order for these decisions to be clear and conscious decisions, community consultation must be completed with our communities.

Issue #3: DIAND must strengthen its own sustainable ethic. It is important to create a trust relationship that is promoted within our own communities and the federal and provincial department levels. At present, there is a lack of trust.

The only strength is additional dollars. Instead of relying on the current capital dollars. There is a need for DIAND to clear up its own internal processes. The key component of building a “new” partnership depends on a reassessment of the department itself. How can DIAND work with First Nations if they can not clean up their own garbage that exists within the departments structure?

Issue #4: Here are clear and changing responsibilities and related accountability. The lack of trust that exists within all levels of the department, is creeping into our own communities. There needs to be a partnership between First Nations from the north to the south and coast to coast. This includes other Indigenous people around the globe.

Issue #5: Environment degradation affects the sustainability of our communities. There is a strong correlation between environment depletion and contamination and health.

Group Three

Group three strongly agrees with the previous presentations and has the following issues to add: the future shortage of land base within the territory of First Nation and the unsettled land claims issue.

The Goals, Objectives and Targets in Section 6 (beginning on page 15): Are these appropriate to begin addressing the Issues?

The focus on this final point, occurred through a round room discussion resulting in the following:

- i) The final drafts of DIAND's SDS be evaluated on a yearly basis, rather than every three years.
- ii) DIAND's treaty obligations to its member First Nations be honoured and written. That all efforts be made to come to a common understanding of the treaties for all whom are involved.

Main Messages Received From SERDC

The following is SERDC's overview of DIAND's SDS:

- i) The member First Nations due to their lack of awareness, invite DIAND to the communities to discuss the SDS process with the community as a whole. Thus the community would be informed and given equal opportunity to respond to the draft.
- ii) The literature should be clear and concise, such that words rarely used in the English language be excluded.
- iii) Individual community environmental studies need to be done.
- iv) The member First Nations feels the First Nation presence is important during the consultations with other departments.
- v) What kind of awareness and training courses is being talked about within the "issues"?

**Appendix E Phase I Information Session and Phase II Discussion
with WRTC First Nations**

Phase I Information Session

The session was informal and chaired by Mr. Peter Skobel, WRTC. The session began with a presentation of the DIAND SDS initiative by Mr. Martin Egan, DIAND Manitoba Region Environment Manager. Participants then divided into work groups to discuss the following questions:

- i. What are the SD issues in your Communities?
- ii. What are the impediments to SD in your Communities?

The final agenda item was a plenary session for the work groups to share the results of their discussions. The issues and the impediments identified by the participants are summarized as follows:

The Issues

- Impacts of surrounding area development
- Not enough education/awareness of sustainable development issues in our communities
- No plans to address waste management issues (waste disposal/domestic garbage/toxics)
- No long-term plan. Looking into the future. A need of assessment from time to time
- Communities need to take an inventory of their sustainable development resources
- Address the jurisdiction/authority over natural resources - three levels of government
- Sewage systems/septic tanks
- Spraying of chemicals and pesticides
- Forestry management
- Water use/water treatment plants
- Non-renewable natural resources
- Population base (over-crowding)
- Wildlife are being poisoned by chemicals
- Wild berries

The Impediments

- Lack of awareness and education on SD
- Lack of commitments from all levels of government
- Lack of training to produce local experts
- Lack of Environmental Management Systems (including policies/procedures/by-laws)
- Jurisdictional issues
- Lack of financial resources (inadequate funding)
- *Manitoba Sustainable Development Act* proposal
- Lack of involvement with the Provincial government; a need to set up a new relationship
- Lack of planning and research
- *Indian Act*
- The reserve land location (lack of development opportunities)
- Lack of adequate land base (overcrowding); land claims

The SD process is driven from elsewhere. Always remember that First Nations have always been the guardians of natural resources. This is our inherent right. The solutions are at the grassroots. Just ask any elder.

Phase II Discussions

The Phase II discussions were conducted on June 26, 1997 in Dauphin. Mr. Peter Skobel, the Environmental Health Advisor for WRTC, chaired the session. Martin Egan, DIAND Manitoba-Region Acting Director of Lands and Trust Services, then reviewed the purpose of SDS and provided an overview of the Manitoba Region Phase II Information Sessions, and the "DIAND SDS Draft for Discussion".

To address the focal points within the "DIAND SDS Draft for Discussion", three discussion groups were formed. The participants of each group elected a representative, who then made a presentation of their concerns to the workshop group. The following comments were received on the three focal points of discussion:

The Principles in Table 1 (page 7): Are they appropriate to guide departmental employees in the application of sustainable development to their specific work area?

Group One

- Honour our treaty inherent rights.
- Educate DIAND for our accountability and responsibilities to all First Nations of Canada.

- Our partner DIAND must provide and meet First Nation Canadians with the equal quality of economic growth in the First Nation communities' needs.
- DIAND adhere to the signing of our sacred treaties across Canada.

Group Two

- Are they appropriate? - Input of First Nation peoples. Inappropriate regarding no input from First Nation peoples.
- Do they make sense? No, not without the input of First Nation peoples. Dealing with the past, present, and future of our lives.
- Is there something missing? Yes, input, involvement with signing of Treaties. Nothing has been honoured or recognized from INAC.

Group Three

- Are they appropriate? Yes
- Do they make sense? #6 Honouring its treaty does not make sense (because taxes, cutbacks, more recognition).
- Is there something missing? Everything looks in order. Separate treaty and fiduciary from international obligations.

Other Comments From Discussion

- Definitions are required for Partnering and Accountability (who is accountable to who).
- How can DIAND get its partners? e.g. - Provincial government to honour treaty and fiduciary obligations?
- Where does it say that the provincial and federal departments will share information with First Nations about the impacts of policies and programs?
- How can First Nations have open, inclusive and accountable decision-making? Allow First Nations to have background information.
- How can INAC honour Canada's international treaties when Canada does not honour our treaties?
- There should be First Nations' involvement in any mitigation process.
- How can SD occur with funding cutbacks?
- Department makes decisions without First Nation input.

The Issues in Section 5 (beginning on page 10): Are these the main sustainable development issues that the department should be focussing on in its first strategy?

Group One

- 1.a Funding to upgrade the people.
- 1.b More communication between First Nations and Indian Affairs.
2. Changes in government regulations (i.e. fishing).

Group Two

1. Yes, they are the appropriate focus.
2. What is missing is the First Nation leadership and recognition to become directly involved at the government level within the DIAND.

Group Three

2. The Education process is important. Public Awareness. INAC to go into the communities to educate. True action will grow from the grassroots.
4. Accountability. Having First Nation Leadership accountable to the community. Is there any appeal process identified? Does SDS advocate for the individual over local governments? What powers does a petition have? e.g. Economic vs. Environmental Issues.

Other Comments From Discussion

- In order to become self sufficient (sustainable development) the wrong's previous has to be renegotiated. e.g. - Land base - overpopulation.
- INAC must listen to the First Nation in regard to their needs.
- Act on recommendations from the First Nation (no lip service).
- Must provide the resources necessary to create and maintain SD.
- How are they going to provide fair and equitable opportunities?
- INAC to take a good look at themselves. e.g. policies, procedures, and programs that inhibit the creation of SD of First Nation.
- INAC must promote/advocate the treaties and obligations within under Section 35 of the constitution.
- INAC should be the advocate on behalf of First Nations for the provision of fair and equitable opportunities related to the resources surrounding First Nations.

- Review the blanket permit process. Type of permit to be revised or agreed upon by FirstNation.
- Funding should be appropriate to meet improved standards for FirstNations.
- INAC must provide a strong legal stand/action on behalf of FirstNations lands.

The Goals, Objectives and Targets in Section 6 (beginning on page 15): Are these appropriate to begin addressing the Issues?

The groups each brainstormed on one of the sets of goals, objectives and targets and then a plenary discussion was conducted. The following is a summary of the discussions on the goals:

Goal 1

- Include specific claims (land).
- Economic development needs to become a core program rather than a discretionary.
- Partnerships with other agencies must harmonize with development rate required by First Nations.
- Capacity building has to come from the targeted needs as identified by First Nations with appropriate levels of resources and assistance adequately develop First Nation.
- The capacity building has to come within the First Nation and delivered by First Nation in order to understand the needs within.
- Community based capacity needs assessments through information sharing communication process conveying mutual respect of the other partners - involved.
- Increase the level of funding available to Economic Development.
- Provide program support to First Nations for natural resource and environmental management.

Goal 2

- No comments provided.

Goal 3

- Successful integration must come from our leadership within our communities so as DIAND will not be the decision-making government which has been enforced on First Nation people for the last century.

Goals 4 & 5

- Start a recycle bin, in the community's unemployment opportunity.

Appendix F Phase I Information Session and Phase II Discussion with DOTC First Nations

Phase I Information Session

The session was formal and co-chaired by MsMargeRoscelli and Mr.D.Assiniboine from DOTC. Participants consisted predominantly of workers involved in health-related programming in the member First Nation communities. Introductory remarks were made by Chief Ironman from SiouxValley First Nation and Chief Bunn from Birdtail Sioux First Nation, and two elders led an opening prayer. The morning was devoted to the SDS initiative led by MartinEgan, DIAND Manitoba Region Acting Director of Lands and Trust Services. The afternoon session consisted of presentations on specific health-related topics from various participants. For the morning session, the SDS initiative was introduced and then groups of participants considered the following questions:

- i. What are the impediments to SD in your communities?
- ii. What can the department do to help overcome the impediments?

Each group was then invited to have a spokesperson debrief all participants on their discussions. The following is a brief summary of the discussions:

The Impediments

- Too much talk and not enough action
- Government structures do not include First Nations
- Legal system needs to be changed (to include more First Nation control)
- Lack of knowledge and information concerning SD
- Lack of access to natural resources
- Lack of land-base
- Lack of jurisdictions that are required to be exercised at the community level
- Lack of Funding
- *The Indian Act*

What the Department Can Do To Help

- Provide funding and training in environment and SD
- Provide information sessions on environment and SD at the community level

- Provide funding for Environmental Health Officer at the community level
- Provide Economic Development funding
- Assist with deficit problems that some First Nations are in
- Promote awareness of SD and First Nation issues with other levels of government

Phase II Discussion

The Phase II discussions were conducted on September 15, 1997 in Brandon. The workshop was facilitated by Ms Marge Roscelli, the DOTC Health Director. The session began with an opening prayer from a Long Plains Elder, followed by the introductory remarks of Mrs.-Margaret Roscelli.

Martin Egan, DIAND Manitoba Region Acting Director of Lands and Trust Services, then began the workshop sessions with a review of the purpose of SDS, presenting the mandate, an overview of the Manitoba Region Phase I consultations, and the "DIAND SDS Draft for Discussion".

To address the focal points within "DIAND's SDS Draft for Discussion", four discussion groups were formed. The participants elected a representative who made a presentation of their concerns to the other groups. As the session progressed, a "round table discussion" evolved. As a result, the following comments were received on the three focal points during the discussions:

The Principles in Table 1 (page 7): Are they appropriate to guide departmental employees in the application of sustainable development to their specific work area?

- The member First Nations in attendance, questioned their participation in DIAND's SDS process. Would their suggestions be heard and written in the finalized draft?
- Will DIAND's SDS process continue with a follow-up session, complete with the finalized written document, currently being discussed?
- For someone at DIAND, the SDS process is just a position of "employment". Within the First Nation community, it is a way of life, a future for their children, grandchildren, and so much more.
- The meaning of "inclusive" to the First Nations, implies the inability to say "no" in the future and to have a "middle man" during the consultation process.
- The First Nations present asked, were all levels of First Nation government being consulted (eg. the Assembly of First Nations)?
- The First Nations do not make the connection with their "way of life" to DIAND's SDS's "time and money" factor (a criticism of the time constraints involved in the SDS process).
- DIAND's SDS should include "action items" for each principle.

- Consultation within each community, involving a common language, is needed.
- As a result of the current population growth and restricted land base on reserves, the First-Nation future needs will not be met.
- The First Nations ability to be self sufficient (sustainable) with the resources needed, is being taken away. An example, the right to hunt, to gather food and medicines.

The Issues in Section 5 (beginning on page 10): Are these the main sustainable development issues that the department should be focussing on in its first strategy?

- To eliminate stereotypes, member First Nations felt the need for DIAND to educate Canada, particularly with respect to treaty and Aboriginal rights and issues.
- The document focuses on the “paternal instinct” of the government, as implied by the use of words such as “do not”, instead of “having trouble” (wording in Issue #1).
- DIAND to advocate against the resistance of municipalities on First Nation initiatives.

The Goals, Objectives and Targets in Section 6 (beginning on page 15): Are these appropriate to begin addressing the Issues?

- The groups felt that DIAND’s Draft SDS was not “user friendly”. It was agreed, “internal departmental jargon” should be eliminated during the consultation process. Nevertheless, for each goal the following messages were received:

Goal 1

The following comments were made:

- i) Human resource skills need to be further developed. Additional training is needed within the communities.
- ii) “Self-government”, though commonly used in First Nation communities, not readily understood by some member First Nations.
- iii) Recognized need for further infrastructure and economic development within the communities.

Goal 2

The member First Nations feel that DIAND’s SDS also needs the endorsement of the grassroots (band membership), not only Chief and Council.

Goal 3

The member First Nations feel their own consultation process has to be developed.

Goal 4

In the support of DIAND's SDS, the member First Nations are concerned about the following:

- i) The implementation of laws which will inhibit the First Nation survival of local and surrounding natural resources.
- ii) That the member First Nation have more say in the development of consultation processes requiring their involvement. This process did not respect this.
- iii) With the short notice for First Nation consultation, the member First Nations feel pressured. With the time frame on DIAND's consultation process, First Nations feel they are "being backed into a corner" to participate in this process.

Goal 5

The member First Nations feel the "on-reserve" living conditions need to be improved. In conjunction with the First Nation Housing Task Force to be developed, the member First Nations question:

- i) Where will the additional funds be utilized from? How will housing be increased?
- ii) How will this task force be supported by the department?
- iii) What is the "new housing policy"?
- iv) The need for "Canadian Housing Standards" to be implemented on reserves.

The Main Messages From DOTC

The following overview of DIAND's SDS was submitted by the Assembly to the department (verbatim):

Sustainable Development

Questions, Comments and Concerns

- 1. The term "Sustainable Development" is not clearly defined. What areas does it cover? How broadly or narrowly is it defined? What is the environmental issues inventory?
- 2. DIAND must strengthen its Sustainable Development ethic. There are unchanging and unclear responsibilities and related accountability.
- 3. Environmental degradation of surrounding non-reserve lands affects the communities. How can that be controlled? ie. areas where natural medicines grow can be destroyed/damaged, so nothing remains for future use.
- 4. How is DIAND proposing to repair current or future damage to the surrounding or on-reserve environments?

5. When will the actual repair of existing environmental concerns begin?
6. Will this strategy divert attention away from remediation of these problems in the future?
7. The process should continue with adequate funding for the First Nations to pursue Sustainable Development strategies.
8. There is a major concern with jurisdictional off-loading of sustainable development issue from federal government to provincial government. (Manitoba has tried to impose their policies on First Nations in regards to the environment.)
9. First Nation communities do not have the capacity to build and maintain local sustainability due to resources.
10. First Nations should review the final document prior to parliamentary submission in December, 1997.

Chiefs of Ontario

Working Group on Nationhood and Sustainability

Nationhood And Sustainability

Framework Document

Adopted by Resolution 97/20

Special All Ontario Chiefs Conference

Thunder Bay, Ontario,

October 16, 1997

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Preface: Nationhood And Sustainability

by Fred Plain, Ontario Regional Elder

To begin a very brief discourse on Nationhood and Sustainability, I am quoting a portion of a speech made in 1854, by the great Chief Seattle.

"You must teach your children that the ground beneath their feet is the ashes of our grandfathers. So that they will respect the land, tell your children that the earth is rich with the lives of our kin. Teach your children what we have taught our children, that the earth is our mother. Whatever befalls the earth, befalls the sons of the earth. If men spit on the ground, they spit on themselves. This we know - the earth does not belong to man; man belongs to the earth. This we know, all things are connected like the blood which unites one family, all things are connected.

What befalls the earth, befalls the sons of the earth. Man did not weave the web of life; he is merely a strand in it. Whatever he does to the web, he does to himself.

The secret corners of the forest heavy with the scent of man, and the view of the ripe hills blotted by talking wires. Where is the thicket? Gone. Where is the eagle? Gone. The end of living and the beginning of survival".

When this great Native leader spoke, one hundred and forty-three years ago, were his words prophetic? Did he see the massive pollution of the crystal clear waters that are the life blood of our Mother Earth? Did he see the toxic poisons of his great industries saturating the soil of MotherEarth? And when he talked of the wires that criss-crossed the land, obliterating the beauty of the hills, was he seeing the result of the great power plants, of both nuclear and fossil fuelled generators and reactors? We saw the great forests that produce oxygen for all living creatures, decimated by clear-cutting and mountain sides gouged out for access to the coal.

As the end of a century approaches, the First Nations of Turtle Island look with dismay at the domineering and materialistic culture of the race of people that came from Europe and Asia. It was a great philosopher that once said, "the universe is unfolding as it should". Today, we survey the on-going destruction of the environment and we have to wonder if the universe is unfolding as it should.

We look at the great disasters that occupy the front pages of our newspapers. Tornadoes, hurricanes, typhoons, earth quakes and volcanic eruptions bring terror to the hearts of man and beast. Are these such disasters a direct result of men's attempt to control the environment? Is Nature in revolt against the wrong-doing of man? Chief Seattle says "what befalls the earth, befalls the sons of the earth."

Are these catastrophic occurrences mentioned above all we may expect from Natures revolt? What panic would we see if the sun were to rise in the west and set in the east or the Aurora Borealis were to begin in the east or the west? We have succeeded in producing the toxins that pierce the protective layer of gas that has shielded us from the harmful effect of ultra-violet rays. Man is forced to fear our Father Sun rather than give honour and give thanks for its life

producing powers. To protect ourselves from ultra-violet rays, we manufacture lotions to apply our exposed parts.

What has all the above to do with Nationhood and sustainability? When we are talking about Nationhood, we are not just speaking of the infrastructures of socio-economics and politics. We are talking about the spiritual foundation that has recognized from immemorial, our responsibilities to the Creator for environmental protection. This is sustainability. Sustainability and responsibility walk hand in hand. If we set aside our responsibility in favour of material gain, we open the door of sustainability to destructive agents. As Chief Seattle says, "the end of life, and the beginning of survival."

It may appear to some readers that the two terms "Nationhood and Sustainability" and "Sustainable Development" are separate from each other. These two have a direct linkage to each other. The Aboriginal Nations of this island have sustained the integrity of Nationhood from time immemorial. We have resisted assimilation for more than five hundred years and will continue to do so. We believe that everything that we need to sustain us is contained in the resources of our Mother Earth. Thus, "sustainable development" must be exercised and developed not only to the benefits of our generations today, but that today's development will not leave our future generations without these same benefits from sustainable resources.

Background

First Nations and Sustainable Development

Sustainable development is a concept in international law that is tied to the environmentally sustainable exercise of national jurisdiction over lands, waters, and natural resources; and as such, it is a concept tied to the Aboriginal Nation-building process. The basic idea behind “sustainable development” is that human beings should not deprive future generations of the environmental resources they will need for a quality of life; and that governments should protect rights of people today and in the future to a healthy environment. In the five years that have passed since the United Nations Conference on Environment and Development, countries from around the world have attempted to incorporate sustainable development into their structures of governance. This framework document on “Nationhood and Sustainability” is intended to begin a discussion about what “sustainability” and “sustainable development” mean for the First Nations of Turtle Island.

At the 1992 United Nations Conference on Environment and Development, the leaders of 178-countries made a declaration to the world that they would strive to “protect the integrity of the global environment”. The most celebrated outcome of the conference was an international declaration called the *Rio Declaration on Environment and Development*. The 27 Principles of the Rio Declaration entrenched the concept of “sustainable development” in “soft” international law. The signatory countries also committed themselves to the objectives of a document called *AGENDA21: Earth’s Action Plan*. *AGENDA 21* contains hundreds of recommendations about how governments can begin to reverse the path of environmental destruction. Chapter 26 of *AGENDA21* specifically outlined the importance of “recognizing and strengthening the role of Indigenous peoples and their communities” in achieving sustainable development. Strictly speaking, the Rio Declaration and *AGENDA 21* are not legally binding; however, these are still important international documents because they establish sustainable development guidelines for governments around the world. The documents can also be used by First Nations to put pressure on the Canadian government to honour international commitments on the environment.

Canada’s Sustainable Development Strategy (SDS)

In 1995, the Canadian government passed a law that requires all federal government departments to prepare a SDS. Indian and Northern Affairs Canada (INAC) was required to prepare a SDS in accordance with the requirements of the legislation. INAC embarked on a long and expensive series of “consultation activities” with First Nations across Canada.

First Nations’ Response to the SDS Process

In May 1997, INAC officials met with the Ontario Regional Chief and staff of the Chiefs of Ontario to request the involvement of the Chiefs of Ontario in the development of the SDS. Because of the inherently political nature of sustainable development, the Regional Chief for Ontario informed INAC that the decision of whether to participate in the federal SDS process would have to be taken by the Chiefs in Assembly.

It was clear that the Canadian government wanted to involve First Nations organizations in the process as a way to demonstrate that Canada was honouring the Rio commitments. In fact, Canada had already stated publicly to the United Nations that it was “developing departmental Sustainable Development Strategies in co-operation with Aboriginal organizations”. On June 24, 1997, Prime Minister Jean Chretien stated to the United Nations General Assembly that Canada wished to “renew” its “Rio commitments...and to keep faith with those whose future depends on the wisdom of our choices, and the results we deliver”. One of the Rio commitments Canada made was to recognize and duly support the identity, culture and interests of Indigenous peoples, and to enable their effective participation in the achievement of sustainable development [Principle 22 of the Rio Declaration].

Contrary to the statements made at the United Nations, Canada did not work in true co-operation with the First Nations to implement sustainable development. INAC’s SDS process was imposed on the First Nations through the federal legislative requirements passed under the Auditor General’s Act. The law was passed before there was any discussion with the political leadership of First Nations about the implementation of “sustainable development,” Principle 22 of the Rio Declaration, or Chapter 26 of *AGENDA 21*.

INAC officials have stated that the SDS process is a departmental policy process, and that it was within the Department’s discretion to include or exclude First Nations from the process. The position of INAC is that the SDS consultations were merely advisory in nature, and that the department was never under a legal obligation to carry-out extensive consultations. Many First Nations’ representatives have stated that there should have been direct consultation with the First Nations’ political representation long before the federal sustainable development legislation was passed.

The Chiefs of Ontario Working Group on Nationhood and Sustainability believes that Canada has a legal and moral obligation to work jointly with First Nations’ governments to develop a process for the implementation of Canada’s international commitments on sustainable development and Indigenous peoples. Canada’s legal obligation to consult with First Nations on the implementation of sustainable development flows, in part, from the Supreme Court of Canada *Sparrow* decision. In the case of *Sparrow*, the Supreme Court of Canada confirmed that the Crown owes to First Nations a fiduciary duty of care, in particular in relation to land issues. This duty of care is constitutional in nature as it is inherent in section 35 of the Constitution Act, 1982. Section 35 recognizes Aboriginal and Treaty rights. In *Sparrow*, the Supreme Court decided that a logical implication of the fiduciary duty is a legally binding obligation on the part of the Crown to reasonably consult First Nations in the instance of a proposed measure likely to affect significant First Nation interests. Sustainable development is a concept tied to the future of First Nations’ lands, waters, resources, and to the basic subsistence and sustainability of the First Nations. Therefore, the implementation of such a concept in Canadian law will directly affect significant First Nations’ interests.

Sustainable Development at the All Ontario Chiefs Assembly, June, 1997

Sustainable development for the First Nations of Ontario was discussed at the All Ontario-Chiefs Conference in Mattagami First Nation, in June, 1997. Former Regional Chief, Gordon Peters, and Ojibway Elder Jim Dumont addressed the Assembly about the federal sustainable development process. They spoke of how representatives from all the countries of the world had assembled at the United Nations Conference on Environment and Development in Rio in

1992. It was recognized that sustainable development was a concern of people from around the world, and that governments were trying to implement sustainable development. It was also recognized by Jim Dumont that the First Nations have been sustaining their Nationhood since time immemorial, and that the underlying principle of "Sustainable Development" - that people should not take away from future generations - is not a new idea to First Nations people. Caution was raised about becoming involved in a process that may prejudice First Nations interest in the future. Serious questions were asked about the wisdom of participating in a process that does not recognize the Nationhood of the First Nations, and that does not respect the traditional ways of the First Nations. A declaration was made that the First Nations of Ontario should "establish our own international relationships on sustainable development", and that the First Nations must respond to the federal government's SDS process "as Nation" not as "special interest groups". It was also declared that the Chiefs of Ontario should "take legal and political action to protect our interests and address what the federal and provincial governments are doing" in this area.

Declarations On Sustainable Development

All Ontario Chiefs Conference, Mattagami First Nation, June, 1997.

1. We need to develop our own definition of Sustainable Development based on our own values which will include not just natural resources but our Nations as peoples.
2. We need to develop a stance as First Nations on how we deal with resources and our own social and economic development.
3. We take legal and political action to protect our interests and address what the federal and provincial governments are doing.
4. We need to establish our own international relationships on Sustainable Development.
5. We must respond as Nations, not as special interest groups.
6. We must give notice to the federal government, especially INAC, of their fiduciary duty to First Nations.
7. We have to be the beneficiaries of sustainable development in our communities.
8. Sustainable Development must include all of our territories - not just existing reserve lands.
9. We need to develop our own practice codes.
10. We must examine our own values in defining sustainable development.
11. The Chiefs Office should seek resources for the Political Treaty Organizations and First Nations to use to work with communities in their areas.
12. Participation in Sustainable Development is not to be viewed as support of the federal government process.

The Working Group On Nationhood And Sustainability

Following the Declarations that were made at the Mattagami Conference, the Chiefs of Ontario established a Working Group on Nationhood and Sustainability. Regional Elder Fred Plain to lead the activities of the Working Group. From its inception, the Regional Elder for Ontario, Fred Plain; and Robin Green, Elder from Iskutewizaagan #39, provided guidance to the working group. This group was formed to write a framework document on Nationhood and Sustainability to be presented at the next All Ontario Chiefs Assembly for discussion and for further direction.

Since the Mattagami Assembly, the Working Group on Nationhood and Sustainability has conducted several workshops to develop the link between Nationhood, self-determination, autonomy, and the concept of sustainable development and sustainability. On September 22, in Ottawa, representatives from the Chiefs of Ontario Working Group presented a draft framework document to a national meeting on sustainable development of First Nations representatives and INAC officials. The document was very well received by First Nation representatives from across Canada. Even the INAC officials from different provinces found the document to be original and enlightening.

The Chiefs of Ontario also began correspondence with INAC and the new Minister of Indian and Northern Affairs, the Honourable Jane Stewart. The purpose of this correspondence and discussion was to ensure that the Chiefs of Ontario *Framework Document on Nationhood and Sustainability* would be included unchanged as a “stand-alone” document to be presented to the Canadian Parliament in December 1997. The Minister of Indian and Northern Affairs made a commitment to present the Chiefs of Ontario *Framework Document on Nationhood and Sustainability* to the Canadian Parliament and to all the First Nations in Canada.

The SDS process began as one that INAC wanted to control completely. Through the discussions at the Mattagami Conference, the activities of the Working Group, the meeting of Elders and youth, and through correspondence with the Minister of Indian and Northern Affairs, the Chiefs of Ontario took ownership of the sustainable development process.

Working Group Participants

The following people participated in the Chiefs of Ontario Working Group on Nationhood and Sustainability:

- Fred Plain - Regional Elder for Ontario, Chippewas of Sarnia
- Robin Greene - Elder, Iskutewizaagan #39
- Jim Dumont - Ojibway Elder
- Peter McKenzie - Deputy Chief, Temagami First Nation
- Randy Kapashesit - Chief, Moccreebec Council of the Cree Nation
- Alan Corbiere - EAGLE Project, West Bay First Nation

- Deborah McGregor - Whitefish River/Birch Island
- Rolanda Elijah - Youth, Oneida of the Thames
- F. Henry Lickers - Department of the Environment, Mohawk Council of Akwesasne (MCA)
- Malcolm Rogge - Legal Staff, Chiefs of Ontario

Resolution 97/20: Sustainable Development

Special All Ontario Chiefs Assembly - Thunder Bay, October 14 - 16, 1997

WHEREAS the Chiefs in Assembly have given direction to establish a Working Group and Terms of Reference on Sustainable Development; and

WHEREAS the Working Group has reported to the Chiefs in Assembly by presenting a Framework Document entitled "Nationhood and Sustainability"; and

WHEREAS the process that has been developed is intended to be pro-active to allow First Nations to address sustainability from their own values and understanding; and

WHEREAS there is a need to put forth a strong, pro-active agenda on sustainability in light of the national and international context of sustainable development; and

WHEREAS there are commitments that were adopted by Nation States, including Canada, that were supposed to result in positive changes between Canada and the First Nations; and

WHEREAS the Auditor General has legally required each federal department to report and table to parliament, a strategy on sustainable development; and

WHEREAS the approach taken by First Nations in Ontario is unique and is a "stand alone" document; and

THEREFORE BE IT RESOLVED THAT this Assembly accepts the Framework Document on Nationhood and Sustainability; and

FURTHER BE IT RESOLVED THAT this Assembly give continued direction to the Working Group to address the lack of progress by Canada on sustainability that is in the interest of First Nations; and

BE IT FINALLY RESOLVED THAT the Chiefs of Ontario be mandated to identify and pursue resources to continue this agenda.

MOVED BY: Chief Randy Kapashesit, Moccreebec Council of the Cree Nation

SECONDED BY: Gordon Peters, Proxy, Caldwell First Nation

Nationhood And Sustainable Development: Framework Document

1. *First Nations Economies and Sustainable Development*

- 1.1 There are three principles that guide the economies of the First Nations of this land:
- i) We have a responsibility to share;
 - ii) We have a collective responsibility to the whole of creation; and
 - iii) We have a responsibility to be respectful of creations desire to live, and to have a quality of life.
- 1.2 When we talk about economic development, we must talk about a system of economics that is in accordance with our sustainability as a people, and that is in accordance with the three principles outlined above. We can have “economic development”, but it cannot mimic the destruction of the industrial way of being.
- 1.3 Our spiritual teachings tell us that we must regard everything as spirit. We must respect the tree-spirit and the animal spirit. Our relationship with the world around us is a personal one. An economic system that is only concerned with personal relationships between human beings and other legal “persons,” like business corporations, is a system that will not survive.
- 1.4 Spirit is basic to everyone and everything. Our economic development cannot be separated from this idea of spirit. The industrial world makes a terrible mistake when it separates the idea of spirit from its idea of economic well-being.
- 1.5 We cannot separate environment from ourselves: we are the environment.
- 1.6 Aboriginal people base their philosophy on the idea of sharing and mutual obligation. This concept of sharing extends into the future. The fundamental value of Native people is a great respect for life, land, and sharing. The spiritual laws of the First Nations are put forward to protect the environment.

2. *Defining Sustainable Development and Sustainability*

- 2.1 When we attempt to describe the meaning of Nationhood and sustainable development, we are trying to come to one mind with all of Creation, so that we, as human beings, can understand how we fit into all of Creation. Once we understand this, we can truly define sustainable development. No single person can provide this understanding; this understanding goes beyond politics.
- 2.2 When we speak of Nations, we recognize the diversity among all First Nations.
- 2.3 Many people speak about “sustainable development”. People think they are agreeing with each other because they are using the term “sustainable development”, but this is

usually not the case. One should not always assume that when people speak about “sustainable development” that they are really understanding each other.

- 2.4 In our view, there is a link between sustainability and our interpretation of sustainable development: the two ideas are intimately linked. If we follow our principles of sustainability as Nations, then our own forms of “development” will be sustainable. Our economic and social development, if carried out according to our own values, will contribute the sustainability of our Nationhood.
- 2.5 Nation-building, like sustainable development, is not just a political development, and is not only about good government; it is a process that must begin with the people in the communities.
- 2.6 The concept of sustainable development as defined by the United Nations Commission on Environment and Development as “development that meets the needs of today without compromising the needs of future generations” is not a new idea to the Aboriginal people of this land; in fact, that idea has shaped the way we have lived since time immemorial.

3. ***The Rio Declaration and Agenda 21: A First Nations Response***

- 3.1 The First Nations of Turtle Island must take control of the implementation of Principle 22 of the Rio Declaration and Chapter 26 of Agenda 21. These international covenants were written and signed at the 1992 United Nations Conference on Environment and Development by most of the countries of the world. Aboriginal people from around the world contributed to the formation of these documents, and ensured that the very important role of Aboriginal peoples in global sustainability would be duly recognized by States.
- 3.2 Chapter 26 of Agenda 21 states that Nations must “recognize, accommodate, promote and strengthen the role of Indigenous peoples and their communities” to further the goals of sustainable development. The historical role and current accomplishments of Indigenous peoples must be recognized by Canada, and the autonomy of the First Nations with regards to sustainable development must be respected. In applying the amendments of the *AuditorGeneral Act* on sustainable development to the First Nations, the government appears to hold the view that Chapter 26 of Agenda 21 can be implemented by Canada unilaterally.
- 3.3 The government of Canada does not have the authority to implement unilaterally the recommendations of Chapter 26 of Agenda 21, on “Recognizing and Strengthening the Roles of Indigenous Peoples”. The implementation of this international agreement must be carried out in partnership with the First Nations, in full recognition of the historical and contemporary contribution of First Nations toward sustainable development.
- 3.4 Canada does not have the authority to implement Principle 22 of the Rio Declaration without the political participation of the First Nations. Principle 22 states that “Indigenous people and their communities...have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development”. The joint

implementation of these principles in Canada with the First Nations of Turtle Island is much overdue.

- 3.5 The implementation of Principle 22 must be part of a political process between the First Nations and Canada. If Canada wishes to implement the Rio Declaration and Agenda-21, it must begin a government-to-government dialogue on sustainable development with the First Nations.
- 3.6 The First Nations do not accept sustainable development as a departmental government "program" to be implemented by Indian and Northern Affairs Canada. It is our view that Sustainable Development is a concept recognized in international law that is tied to governance and self-determination; and any relationships on sustainable development between the First Nations and Canada must reflect that reality.
- 3.7 The First Nations of Turtle Island have a unique perspective on our relationship to the Mother Earth, and these unique perspectives must be recognized. It must be recognized that some of the provisions in international agreements on the environment, such as the Rio Declaration on Environment and Development, reflect the values of a world-view in conflict with the spiritual values of the First Nations. For example, Principle 1 of the declaration states that "human beings are at the centre of concerns for sustainable development". The placing of "human beings" at the focus of attention means that all other creation, all other life, are valued less than the life of a human person. This bias that puts humans at the centre of existence does not accord with the spiritual view of Aboriginal peoples which respects all of creation, and which is respectful of creation's desire to live and to have a quality of life.
- 3.8 The First Nations cannot endorse a discussion of sustainable development that places human beings at the top of a hierarchy of being. The First Nations cannot support a view of sustainable development which does not respect the rights of non-human persons to a quality life.
- 3.9 First Nations will support a view of sustainable development that respects the desire for a quality of life for all of creation.

4. *Language, Values, and Sustainability*

- 4.1 The practice, preservation and continued teaching of our languages is a fundamental requirement of our sustainability as a people. As a people, we need to define what we see happening in the world around us according to our own languages and our own values. The survival of our languages is key to our Nationhood. It is one of the gifts of the Creator.
- 4.2 The law of the universe is stated in our languages; one of those laws is that one only takes what one needs without abusing the gifts of creation. Whatever you do take, you must share with your community.
- 4.3 Our children must learn our languages - they must be immersed in them. The woman has a special role in teaching the children our languages, that is why the first language is called the "mother tongue". Language is a living thing that is passed from the mother to the child - like all living things, languages can die. Our languages must be sustained,

because the knowledge of how to live with Mother Earth is contained within those languages.

- 4.4 Many First Nations peoples have extensive and expert knowledge of their traditional territories and other lands and waters. This experiential knowledge has been passed down from generation to generation. The sustainability of the First Nations people depends on the recognition and respect of this knowledge, and on the continued transfer of this knowledge to the younger generations. Much of this knowledge is transferred in the mother tongue; and thus, the continuity of our languages is an essential part of our sustainability.
- 4.5 We express respect to the Creator through our languages in the ceremonies that speak about the connection of all of life. The respect that we have for life is taught through our languages.
- 4.6 We know that language is part of the environment. Through the languages we are taught the skills that we need for the survival of our people - the heritage of our ancestors is contained within our languages.
- 4.7 Like the Mother duck and the ducklings who communicate among each other, our people learn how to live through the language passed down to us. Our people used to communicate with the animals. Even today, we call the Geese and the Moose; and those who have learned, know when to call them, when not to call them, and how to use different kinds of calls. When we call the Geese, we know which ones are the leaders by the way they turn their heads. If we did not have this knowledge, many of our people never would have survived. We do not call the animals for sport, we do it because it is a part of who we are as a people. This is why we need to maintain our languages.
- 4.8 We also know that we will not revive our languages overnight, but that we need to elevate our languages and values, and we need to embrace their continuation as a collective goal. We need to reaffirm the importance of keeping our languages alive, even when we know that for some of our communities this has become more and more difficult. To speak the language of the First Nation you are a part of, is to perceive a different world.

5. *Lands and Resources: Sustaining our Economies*

- 5.1 First Nations people know that where industrial and resource economic development begins to take place, the fish, animals, trees, plants, and medicines soon begin to disappear. Many communities can no longer carry on their traditional practices such as hunting, fishing and trapping because lakes, rivers, and forests have been damaged or destroyed. When our communities can no longer carry out our traditional ways of living with the land, we begin to lose our own sense of Nationhood: we begin to assimilate into Western ways of being. Our values begin to change.
- 5.2 The First Nations cannot begin a dialogue with Canada on sustainable development until Canada recognizes that it has taken the lands and resources that we as a people need to sustain ourselves as Nations.

- 5.3 In Canadian law, the First Nations do not have legal rights to the resources that we require for the sustainability of our Nations. Why is it that the Crown in right of Canada declares that it owns the resources that are in the ground below our communities? Why does the Crown declare that we only have a “usufructuary” right to occupy the land on which we have sustained ourselves since time immemorial? How can we talk about sustainable development when we as a people are denied the right to make our own decisions about what is required for our sustainability? How can the First Nations and the federal government talk about sustainability when the government continues to advance the concept of TerraNullius in the formation of their laws? The doctrine of TerraNullius must be abandoned.
- 5.4 How can we talk with the federal government about sustainable development when our traditional territories – the lands where we hunt and fish and find the means we need for our survival as a people – are held to be under the jurisdictional control of the provincial government? How can we talk about sustainable development when the provincial government that exercises its control by physical force over our traditional territories will not speak with our own people as Nations?
- 5.5 The people of the First Nations are tired of the fact that we are denied the means that we require for our sustenance and sustainability as Nations. Without land and what Western society call “resources”, a Nation cannot function. The denial of our rights to these things is a denial of our Nationhood; and is a denial of our future as a people. To truly speak with the First Nations about sustainable development, means that the federal government must speak about our rights to the lands and resources that we require for our own sustainability.
- 5.6 The federal government has the primary responsibility to address the failures of the Crown in recognizing and respecting our Nations. The principle of sharing means that the First Nations and the people of Canada have responsibilities to each other. We cannot share Turtle Island without all of us recognizing and meeting our responsibilities to each other. The Provinces claim that under the Constitution of Canada, they have jurisdiction over Crown lands and resources, while the federal government claims jurisdiction over “Indians and lands reserved for Indians”. By each claiming that the other has the jurisdiction, the Government of Canada and the provinces are able to avoid their joint obligations, duties, and responsibilities towards the First Nations of this land. The sustainability of the First Nations and people of Canada requires that we try our best to honour our responsibilities towards each other.
- 5.7 The First Nations, like all other Nations, depend on the health of their lands and resources for autonomy, self-determination, and continued health and sustenance as a people.
- 5.8 The already tiny reserve land base for First Nations is diminishing as our numbers grow. The federal government has not moved to recognize our basic needs for lands on which to build our homes and communities. It takes years for Canada and the Provinces to legally recognize even very small extensions in the boundaries of our First Nations. Without legal recognition of our minimum requirements for land, and access to our traditional territories, Canada denies the First Nations their fundamental human rights as a people.

- 5.9 Because Canada denies the First Nations the lands and resources that we require for our subsistence and sustainability as a people, we are denied the social and economic rights guaranteed to us in the United Nations International Covenant on Economic, Cultural and Social Rights. This International covenant states that no State shall deprive a people of their right to subsistence.
- 5.10 We, the First Nations of Ontario are in a continuing process to re-establish our Nationhood and our unceded right to govern. In view of our continuing search for this inherent right, we recognize that we must deal with current economic development approaches of the Progressive Conservative government. We must address the current government's "Lands for Life" planning process. Our current representation on the Round tables established to hear concerns from the grass roots, must be recognized as Nation representatives with equal status to the Province of Ontario (not mere advisors). An Ontario Court has ruled that the Ojibway and Cree people of northern Ontario have legal standing in all areas of Ontario northland regarding the issue of environmental protection, and not only in areas within the parameters of their "reserve" lands. The judgement was made during the Ontario Royal Commission on the Northern Environment in the 1970s, in community hearings.

6. *Rescuing The State of the Global Environment*

- 6.1 When the Europeans came to this land, we met them with peace and friendship; and we welcomed them to share what we enjoyed. They were strangers to this land, they did not know the environment; we took them into our trust, and hoped that we would walk together. But the Europeans saw more; they saw vast riches from the pelt of the beaver; and rather than walk with us, they turned away on their own. Today, their industry moves across this land with a giant scythe that obliterates everything in its path. The question for us today, as the First Peoples of this land, is how do we divert the destructive path of industry? How do we divert the minds of those who only see the environment for its capacity to produce great wealth for the few? How do we divert the minds of industry from its primary interest in the creation of great riches?
- 6.2 Sustainable development for our people means that we must divert the destructive path of those who threaten our existence, and their own.
- 6.3 The source of man-made pollution begins as a thought in our minds; so, to decrease and eliminate pollution we need to make changes in our collective and individual thinking processes. This is the first basic change that we need on the path to sustainability. We tend to focus our energy on changing our physical effects on the world; we need to understand that each person's thoughts also affects the natural environment. The pursuit of material wealth on its own has brought many negative consequences on our ability to sustain our Nationhood.
- 6.4 The present way of life of the industrial Nations is not compatible with sustainable development. There is no way to put sustainable development and economic growth together in the way that the economists, bankers, and world leaders say they are able to. In the hands of these people, sustainable economic development, sustainable industrial development, and sustainable economic growth are destructive ideas. These people wrongly believe that society can achieve sustainable economic growth without regard to the desire of all of creation to have a quality of life.

- 6.5 Four “sacred truths” of the Industrial way of being must be shattered before sustainability can be accomplished.

These are the false “sacred truths” of Western Industrialism:

- i) resources are infinite;
- ii) economic growth is progress;
- iii) it is possible to “manage the planet”; and
- iv) science and technology will solve all the world’s problems.

These ideas, which are so firmly believed by the engineers of industrial progress, must be seen to be false and dangerous to the survival of all people. Environmental well-being cannot be linked naively to economic growth.

- 6.6 Canada has served the wealthy Nations of the world as a vast repository of resources for the taking. It is the global economy that has impoverished our people, and removed us from our lands. Canada’s historical role in the global economy has been to secure continued access to trees, water, minerals and other resources to feed the industries of the wealthy Nations of the world.

7. Concluding Remarks

- 7.1 The waste-dumps, toxic waste repositories, stored radioactive wastes, chemicals dumped into the lakes, rivers, and oceans, pesticides sprayed year after year on the earth, will be like land mines for the future generations. Who will know that the water in the river from which they drink is poisoned by radioactive wastes?
- 7.2 It took a very short time for the rivers and lakes to be destroyed. The changes that must be made to make a “turn around” must happen now. We must act now for the future generations. We must find a way to rescue ourselves from the state that we have gotten ourselves into; for the First Nations, this means that we must rescue our own culture. We cannot do anything unless we know our culture; we must re-learn our culture now so that we can pass the knowledge on to our children.
- 7.3 We, the people of the First Nations, have conducted ourselves for thousands of years in such a way that the environment has always been maintained; and we have been able to do that in such a way that our children, even today, have access to those resources and to the environment as it was known to the generations before us. Any of the hindrances to that and the obstacles that have been put in the way are not of our doing. In our own traditions and culture, preserved amongst those who are still practitioners of that culture, and who still live that culture everyday, and who depend on an economy that is based on the environment, as well as in the language, and as well in the ceremonies and the traditions of our people, our relationships to the environment, and to the resources of this land that we call our relatives, has been preserved from time immemorial; and it is still in the minds and the hearts of the people, and we still have access to that. It is still within our reach, it’s amongst our Elders, our teachers and those who are still practitioners of our ways. We are not struggling with a world view that is opposed to

the environment and that has cut us from the environment for generation upon generation. The dominant society faces this struggle.

- 7.4 It is going to be a great struggle for the dominant societies and those Nations who claim to govern this land (Canada, USA). It's going to be very difficult for them to get in touch with a world view and a sentiment toward the environment that is going to allow them to work toward true sustainable development.
- 7.5 We are the people of this land and its resources; we are in the process of reviving our own Nations. We are rebuilding our Nations and re-establishing our own systems of governance as they are founded upon our traditional ways of life. We are many Nations, and as we pursue our own process of sustainable development we will encourage and enhance the development of our own economic foundations, both within our own individual communities and across our own Indigenous Nations internationally.

Perspective I

Statement To The Chiefs Of Ontario Working Group On Nationhood and Sustainability

By F. Henry Lickers, Director
Mohawk Council of Akwesasne (MCA)
Department of the Environment

Over the past 21 years, the MCA has been carrying out our responsibilities to the Earth through the establishment of the Department of the Environment. Our unique position as "the most polluted reserve in Canada" has made it imperative that we develop methods for dealing with the industries, governments, academics and non-governmental organizations. While support for the Department has been unwavering by the Mohawk people and the Mohawk Council, the Canadian and provincial governments have been seriously inadequate in their support of the Department.

We believed that the endorsement of the Bruntland Report "Our Common Future" by the Canadian government and the signing of AGENDA 21 was to be a new beginning for First Nations people in our relation with the Canadian governments. The endorsement by Canada of the concept of Sustainable Development and the Biodiversity Convention, led the MCA to believe that the governments of Canada would co-operate seriously with First Nation government to promulgate new powers to our community. These international documents speak about the knowledge and understanding of Indigenous people of the environment in which they live. They speak of the responsibility of government to acknowledge the rights of Indigenous peoples and to seek solution to our problems.

However, as the years have passed, it seems that the governments of Canada have forgotten their promises to the world. The land base of First Nations people has for all intents and purposes remained the same. Land claims and treaty negotiations have bogged-down in a morass of provincial and federal government wrangling. It is interesting to note that if all of the federally recognized "Indian Reserve" lands in Canada were placed in the Navaho Nation land in the United States, there would still be land in the Navaho Nation left over. The traditional territories of our people are absolutely necessary for the survival of our people. Sustainable Development is impossible for First Nations on the existing land-base. It is ludicrous to believe that our people who, morally, culturally and spiritually believe in a sustainable environment, can carry this out on our official lands.

At present, there is much discussion about hunting and fishing rights of our people, but the most pressing problem of our people is the problem of over-population. Our people have been compressed into smaller and smaller territories, with fewer and fewer resources. Our populations, however, have the highest growth rates in North America. As the number of people per hectare increase in a population, dynamic pressures are established which can lead to the destruction of that society. Sustainable environments can not be maintained in an ever increasing population.

As the population increases in both the Native and non-Native population, more and more pressure is put on our Common Resources. The Common Resources which once generated

wealth for Canada are becoming harder and harder to procure. The oil industry, which once mined oil from the surface of the planet, now requires advanced technology to reach seven miles into the Earth. It is estimated that a barrel of crude could be produced in 1900 for about \$4.00 per barrel, but it requires \$12.00 a barrel today in comparable dollars. Common resources, which are renewable, are put under continuing pressure by the global economy. The global economy always searches for the least expensive materials. This has led to a false value for farm goods, forest products, fishery goods and all primary resources. If the true social and environmental costs were included in the pricing for these produces (e.g., the cost of maintaining the land, scientific research to understand the issues and problems, and disease associated with these activities) our current economic system would not be sustainable, and would collapse. Political pricing of the cod fishery led to the collapse of the cod fishery on the East coast.

The demand for resources in the artificial global economy has meant that the protection of the environment, lands and people has also been mostly ignored. The degradation of the existing resources has been significant over the past two decades. Fish stocks have been contaminated with a host of toxic compounds. Wild animals have become susceptible to exotic diseases. The ozone layer has decreased its ability to protect us from harmful radiation from the sun. Forest product standards have been loosened to accommodate inferior primary timber stocks. The degradation of the world's Common Resources makes sustainable development impossible. First People are suffering the most from this degradation because our people live closest to the land. There is no single Indigenous person in Canada who does not have PCBs or similar compounds in them.

As First Nations populations increase, and the common resources are being degraded, communities have noticed a shift in the economic distribution systems of their communities. In the past, the traditional economies of hunting, trapping, fishing, farming and gathering sustained our people. Currently with more people, less land and fewer resources, our people are resorting more and more to non-traditional economies and non-traditional distribution systems. In the north, the "Town Indian" has become more prevalent. The land is not as important in a money society, and so we forget our language which tied us to the land. In the south, the "Reserve Indian" has in many ways accepted that the world is ruined, and believes foremost that "I must watch out for myself". The principles of sharing are changing to the principles of greed. Because of population and resources pressure, the communal economy of sharing is changing to a individual economy based on greed or the accumulation of wealth. As this shift in distribution occurs, violence flares up in our communities.

Fights between "traditional people" and "pro people" become more violent and aggressive. Upon observing these actions, our children develop a feeling of helplessness and loss. Is it any wonder that our suicide rate is so high? The spiritual power of our people comes from the land, and this power has helped us to sustain our people even through the toughest crisis. With the destruction of land, the resources, and our knowledge bases, we are witnessing not only the destruction of our people, but of all peoples.

The actions of the Canadian government have in most cases not been helpful to the cause of First Nation sustainable development. Sustainable Development requires that the concepts of Respect, Equity and Empowerment be applied to all actions and deeds of the partners in this development.

- Respect is the ability of the partners to understand and honour each others' point of view within a framework of mutual co-operation and consensus.

- Equity is the ability to generate the research, knowledge, personnel and finance to accomplish the task in an efficient manner.
- Empowerment is the ability to trust. This is the hardest of the three for governments to understand and utilize.

A brief description of some programs will help to illustrate the shortcomings of the Canadian governments' action. The examples I am using are issues that the MCA, Department of the Environment has experience with.

1. The Canadian Environment Protection and the Canadian Environment Assessment Acts

In wishing to protect the environment, the Canadian government promulgated these laws. While the protection of the environment is of primary importance to First Nation people, the Canadian government chose not to involve First Nation communities, governments or organizations in the formulation of these Acts. During the establishment of the Green Plan, and during subsequent formation of the environmental laws, the First Nation people were "consulted" by the Canadian government. Very little respect was given to Native people, because our knowledge of the land was not seen as essential to the new laws. Little Equity was given to the First Nations people to take part in the deliberation. Nation and provincial First Nation organizations struggled to evaluate the mountain of information. Little funding was provided and it was impossible to generate effective dialogue between the First Nations organizations let alone First Nation communities. Since 1985, the Mohawk Council has had an Environmental Protection Act and has developed process for environmental assessment which has been incorporated into the action of the Council. Very little effort has been made to assist the Mohawk Council with the enforcement of our Act and our assessment procedures. It is amazing that the major federal environmental laws can exist without regulations pertaining to First Nations communities.

2. Biodiversity

As a signatory to the Biodiversity Convention, Canada was one of the leaders who lobbied the Nations of the world for the inclusion of Indigenous people in the convention. Officials involved in the work asked the MCA, Department of the Environment to assist in the formation of the appropriate wording for the Convention. We were pleased that we could help in this way; it seemed to demonstrate respect for our point view. Equity was supplied by both partners to accomplish the task. And empowerment led to the inclusion of the clause on Indigenous people in the Convention. The Canadian government established the Biodiversity Convention Office in Ottawa to oversee the implementation of the convention in Canada. Meetings were held with the Assembly of First Nations (AFN) about the responsibilities under the Convention, and the First Nation people informed the government about its needs for fulfilling this task. At this point, the Biodiversity Convention Office began to insist on controlling the process of formation and consultation. The control became more and more apparent with every meeting. Control seems to be exercised by Canadian Officials when the government does not want them to do a good job. The Biodiversity Convention Office has used every means to get around the existing organizations, like the AFN, and their need for equity in this issue. An Ad Hoc Committee, e.g., Working Committee, has been established to review papers produced by non-Natives about biodiversity and traditional knowledge. This was not a

success and did not exemplify the concept of government-to-government relations, or Nationhood.

3. The Canadian Response to the European Common Market and the Fur Defence Fund

The Canadian government was very concerned about the European Common Market developing a ban on fur producers from Canada. Since this is a large market it is supplied by Native trappers, non-Native trappers and fur ranchers, a broad partnership was needed to fight the ban and educate the Europeans about the problems of the fur industry. The MCA, Department of the Environment has always been concerned about this issue. The Mohawk Council was instrumental in convincing Greenpeace about the effects of the fur and whaling ban on First Nation people. The Council has supported the efforts of Bob Stevenson of the Aboriginal Harvester Association (now our Environmental Education researcher) to involve First Nation trappers in the issue. We were pleased when the Canadian government established the Fur Defence Fund with millions of dollars dedicated to the task. We immediately applied for funds to help with the education process. We believed that a good presentation by Native representatives in Europe would help the campaign. Over the years, and after hundreds of hours of effort, almost no funds have been supplied by the Fur Defence to Akwesasne. Our Chiefs were insulted by public officials when we questioned the use of the fund to produce poor support documents. We have been ridiculed for objecting to the funding of the Fur Council of Canada (an industry based group) over an AFN led initiative. And we have come under constant pressure from Fur Defence Fund officials to discipline our staff for trying to get INAC to work effectively with Native people on this issue. The exercise of this type of control will not help the First Nation people exercise the principles of sustainable development.

Each of these examples points to the hypocrisy of the system in terms of helping Native people develop their own processes of sustainable development. A realistic evaluation of the problems of sustainability and Nationhood, while sobering, should not blind us to encouraging examples of success. Again I will use an example of which the MCA has expertise.

4. Effects on Aboriginals from Great Lakes Environments

Over the years, the effects of contaminants on First Nations people has been studied by academics and the medical professions with less than spectacular results. Health and Welfare Canada (HWC), and the AFN believed that there was a better way to study this problem. The Director of the Department of the Environment, Henry Lickers, and a senior medical researcher HWC were asked to formulate, develop and help guide this new approach to contaminants research. A working committee was established to design the community-based contaminant effects methodology. A steering committee of Chiefs and technicians was established to help steer the research in direction needed by the communities. A scientific committee was established to develop and evaluate the science of the study. Over the past five years, the study has developed various tools necessary to evaluate human health impacts from Great Lakes contaminants. The EAGLE project has been funded for a further three years to take the research further. Respect was developed between the First Nation people and scientists through workshops, seminars and hard work. Equity was established as funding was assembled, knowledge gathered and procedures were developed. Empowerment became clear as communities began to understand contaminate issues and HWC began to understand the importance of social/culture impacts of contaminants. This project is considered to be a

success and was reported to the Rio Convention as an example of success by the Canadian government. This is a good model of Sustainable development.

5. Naturalized Knowledge Systems Project

As the world began to search for the meaning of Traditional Environmental Knowledge (TEK), the MCA, Department of the Environment had been attempting to work with various First Nation communities on environmental issues. As the work progressed, we became dissatisfied with the direction that TEK was taking, and decided to develop a process which better exemplified how we wished to work. Naturalized Knowledge Systems (NKS) is the result of a combination of academic and First Nations study. The MCA and the University of Ottawa established a working committee to formulate the theory and the practical application of the method. Five communities across Canada were approached to take part in the pilot stage of the project. NKS works on the premise that people naturalize or adapt to a given area and develop knowledge about how they can live there. They also develop a system of transferring knowledge from one person to another, one group to another, or one generation to another. Environment Canada Innovation program, International Development and Research Council, and INAC supplied funding for the project. After five years, each community had a fully operational environmental department, and was implementing projects to help the people find solutions for their environmental problems. The respect generated allowed the knowledge of the people and academics to come together to solve problems in the communities. Equity was generated for the communities to carry out the work, and for the University to study the process. Empowerment meant that when the project was over, a working environmental division was established in each community. This project is a good example of partnership-building and the application of principles of true sustainable development. A proposal has been submitted to INAC Environmental Program for funding of a project to make the pilot a program.

6. Eastern Ontario Model Forest

The Eastern Ontario Model Forest (EOMF) was established by the Canadian Forest Service (CFS) as one of 10 model forests across Canada. The Model forests attempt to produce sustainable forest within each of the areas. The Model forests were to have a wide range of partnerships and to use the best forestry practices to accomplish their goals. In Eastern Ontario, Domtar Fine Papers, Ministry of Natural Resources and the MCA (sometime referred to as the Unholy Alliance because of past difficulties), came together to formulate the Model forest strategy and proposal. This proposal has been working for five years and has brought together many forest interests that have never before come together. The EOMF went on to be twinned with a model forest in Calakumul, Mexico. Mohawk process of the Great Law of Peace were used to establish a community-based organization which would care for a "Forest for the Seventh Generation". Hundreds of projects have been accomplished over the past five years. Respect was generated by the Model forest using the Mohawk process in the Model Forest constitution, and Mohawks learned many modern forestry practices. Equity was supplied by the CFS in the funds. The "in Kind" contribution has meant that the Eastern Ontario community has contributed well over four times the moneys expended. At all levels, the model forest project was a success. The CFS has extended the EOMF contribution agreement for another five years. Empowerment is the ability of the people to develop sustainable forest practices while using Mohawk philosophies.

In each of these cases, the power of the project has been generated by the projects ability to work with Respect, Equity and Empowerment for all of the communities. There are many other examples of this same spirit at Akwesasne.

Nationhood and Sustainable Development is not just a fanciful idea. If the Canadian government can learn from First Nations how to live together in peace, it may solve many other national issues. The MCA is ready, willing and able to assist in the endeavour.

"Environment will be the national security issue of the 21st century."

Robert Kaplan, 1995 Naiwen

Perspective II

Aboriginal Concepts Of Sustainability

Rolanda Elijah, Onyota'a:ka

It may seem that certain concepts in “sustainable development” are the same as an Aboriginal understanding of “sustainability”. Sustainable development and an Aboriginal understanding of sustainability may have some similarities, but it is important to identify their fundamental differences.

1. In many regions, an Aboriginal understanding of sustainability is rooted in a world view in which there is a Creator and the earth is Our Mother.
2. Sustainability is not an isolated concept. In Aboriginal culture, “sustainability” is a set of integrated beliefs and practices within a paradigm that is shaped by spiritual and biophysical forces.
3. Our ancestors understood that it was possible to abuse the gifts from the Creator and to deplete resources; our peoples always passed on the knowledge of spiritual sanctions from the Creator to warn against abuses and over exploitation. The main sanction from the Creator is to be thankful.
4. The plants and animals give instructions to the people as to how they should be respected and cared for. These teachings are passed on from generation to generation. Sometimes the teachings provide ecological information about the species.

The aforementioned principles are not part of the conventional definition of “sustainable development”; but these ideas are central to the many Native understandings of “sustainability”. Further, “being at one with the land” is a very real way of living. It simply means to observe natural rejuvenation processes and to try to live within those parameters [Rogers, 1997]. One of the most problematic aspects of Western culture is the firm belief in an abstract economic growth paradigm, a paradigm which has not been modified to account for very real biophysical limitations and natural processes [Rogers, 1997].

One of the first steps Western capitalist cultures must take to respect biophysical limitations, is to modify conventional economic models. The task of attaching a non-economic value to natural resources and “free” environmental services needs to be taken quite seriously. It is necessary that timely action can be taken to protect and conserve natural resources which are being liquidated at well below cost. Ironically, after these resources are depleted they will be very highly valued. Aboriginal people have always maintained that “gifts from the Creator” have value which transcends the limited economic values of the economic growth paradigm. The current sustainable development paradigm only attaches a high value to natural resources (and to other “free” environmental services that the earth provides) after the health of the ecosystems has been jeopardized, or even completely impaired. Aboriginal sustainability is preventative, as compared to sustainable development, which offers good hindsight about how a resource should not have been overexploited.

INAC/DIAND SDS Consultation

The values, expressions and ideas that Native people are offering on sustainability within this policy consultation process are substantial. One desirable outcome of this consultation process would be to continue real consultation, and to move towards actual implementation of the ideas offered by First Nations. Native participation should not be seen as a success in itself. It is necessary to further pursue "sustainable development" with Native people. Sustainable development is concept that, for the most part, comes from the academic and political vernacular. Native peoples do need to explore more thoroughly the cross-cultural applications and implications of this concept from their own perspective.

Participating in this process also puts Native peoples in a very unusual position. Canada is a wealthy Nation, as compared to the First Nations. First Nations have not had an equitable share in Canada's wealth (which has largely been generated by natural resource exploitation). Because of the broad marginalization of First Nations in economic activity, Aboriginal people in Canada face many socio-economic problems. These socio-economic problems were outlined by the Royal Commission on Aboriginal Peoples (RCAP). The poor socio-economic conditions of First Nations is in stark contrast to the position of the Canadian government. While the RCAP recommended increased spending to promote the social and economic development of First Nations, the Auditor General has determined that all category one federal departments are in a position to scale back and trim down.

Each government department has to develop ways of implementing the sustainable development legislation on sustainability within its own department and with its stakeholders. DIAND/INAC has interpreted their departmental sustainable development mandate to include First Nations. The anticipated results of this departmental strategy process is that Canada will fulfill its international duties, while at the same time, it may save financial resources, and may help maintain Canada's resource base. Given the socio-economic and power imbalance between First Nations and Canada, DIAND/INAC should expect a fundamentally different response from First Nations regarding sustainable development.

Relating Nation Building To Sustainability

Nation-building is a process that some Band Councils and political co-ordinating bodies are trying to facilitate. Nation-building and sustainability, as we choose to define and apply the concepts, involve taking back the power to determine our own futures at a very local level. Action at the local level is the "sustainable" ideal. Approaching the governance of peoples and the environment on a local scale can be more responsive and adaptive to local needs than some large, distant, decision-making body. Local peoples are also more accountable because they are the ones who must live with the consequences of their action or inaction.

Nation-building and sustainability processes require community members to collaborate and construct visions, and to construct workable plans to begin restoring their Nations and environments. To approach the "sustainability" part of the equation, requires communities to define and take inventory of the local, and regional physical environments. From that inventory, the communities can decide what it is that the Nation is trying to maintain and protect - this will be a very involved but worthwhile process. This is an area where scientific and traditional methods could be used together to establish an accurate overall picture. Local

action only seems logical because an Aboriginal concept of family, community and Nation extends to the physical environment.

An Aboriginal understanding of sustainability, as it relates to Nation-building, is more accurately described by *sustainable human development*, or *sustainable community development*. Sustainability with a community or human focus means sustaining ourselves and improving our quality of life in basic ways. Some examples are: passing on languages and culture to our children, education, housing, good health, maintaining clean livable environments, and providing meaningful opportunities for people within their own communities.

Coupled with a lack of access to resources, Native people are working within an imposed foreign economic system that contradicts some of our fundamental beliefs and values. This does put Native people in a compromising position because many of our peoples now engage in unsustainable activities to seek quick economic gains. The reasons for this contradiction of beliefs and practices are structural, and we are enclosed within monolithic institutions and structures that perpetuate unsustainability. In contrast, First Nations' responses or strategies for achieving sustainability will be diverse, and will vary from region to region, and from nation to nation. Furthermore, First Nation goals of Nation building and sustainability can best be addressed in a way that does not contradict who we are.

Elders of our many Nations have been consistent in relating to us the importance of looking after the land. The land ensures our basic survival. The land is our responsibility, as sanctioned by the Creator. Sustainability and Nationhood are intertwined concepts. They both promote taking care of Mother Earth and self-sufficiency. From an Native viewpoint, taking care of Mother Earth and self-sufficiency are inseparable - they are the simple concepts which once made Aboriginal communities truly sustainable. The challenge now is to fully institutionalize these ideas in a modern world. It is our duty as the original caretakers of Turtle Island to work with other Nations in trying to rectify the current environmental situation. We do believe that we have much valuable experience to offer.

Future Focus Areas

For Nation-building and sustainability to be truly successful, the transmission of leadership skills and knowledge to Native youth of today is required. Native leaders today, and in the future, need to have the skills and education to continue on with these processes of Nation-building and sustainability. Effective ways to transmit knowledge, and skills from leadership to new leadership will form the cornerstones of both Nation-building and sustainability, and this should be one of the primary focus areas for further elaboration in future discussions on sustainability.

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Perspective III

First Nation Youth Perspective

Key Issues/Objectives:

1. *There exists a need for the transmission of knowledge and skills of sustainable development to youth*
 - To develop ways to transmit knowledge about resources for decision-making.
 - To address the lack of experience to make decisions about resource-use.
 - To learn what needs to be known to make the right decisions.
 - To expand the role of higher education for communities and youth as it relates to the environment.
 - To find ways to use currently held professional knowledge at the community level.
 - To inform and work with the community on sustainable development.
2. *Housing and Sustainable Development*
 - To address the problem of housing shortages.
 - To study our changing demographics, and changing needs for housing and land.
 - To make our communities good places to be for children and the home community environment.
 - To explore and develop our own methods of community and regional environmental planning.
 - To assess and mitigate the environmental impact of expanding housing.
 - To halt the diminishing land-base for housing and the removal of natural areas to build houses.
 - To find creative solutions to housing problems, and not create more problems.
3. *Waste-management*
 - To take control of waste management in the community.
 - To monitor external waste-management activities, and their effects on communities.

- To look at waste management as a resourceful activity.

4. *Water*

- To protect water resources around communities.
- To protect whistle-blowers when water resources are threatened.
- To set-up environmental units.

5. *Energy*

- To design energy-efficient housing and modes of transportation.

6. *Governance of Common Resources*

- To prevent the abuse of common resources.
- To recognize and expand First Nations systems of governance and common-resource management.
- To consider how to meet immediate individual employment/needs, verses the long-term sustainability of our people.
- To balance the individual and the collective needs of our people.
- To develop collective measures to protect the common resources.
- To create our own environmental laws, taking into account First Nations systems of managing and distributing resources.
- To study and implement the clan system and environmental management.
- To explore the role of families in the governance of our systems.

7. *Managing Common Resources*

- To hunt, fish, trap, and gather are the traditional base of the First Nations economy.
- To preserve, protect and enhance the common resources of all peoples.
- To maintain the common resources.
- To continue our traditional harvesting practices within our conservation framework.
- To consider ways of re-stocking our lakes.
- To impose moratoriums on fishing where necessary.

- To address problems of abuse of common resources.

8. *The Role of Elders*

- The community cannot go forward without the Elders.
- We must draw on the knowledge held by Elders.
- Our decisions cannot be taken without the Elders.
- Planning for the future must involve the Elders.

9. *Transportation*

- We must think about our dependence on motorized vehicles.

10. *Diet and Food*

- To consider our health in relationship to the environment and the economic basis of our communities.
- Diabetes is a result of the changing diet.
- Diet related to social-cultural concepts.

11. *Language*

- Sustainability requires that we re-learn our languages.

Afterward: Where Do We Go From Here?

The Chiefs of Ontario Working Group has presented to you a Framework Document. The intent has been to develop a First Nation Approach to sustainability. We have tried to be mindful and inclusive of the youth, women, Elders, and of our future generations. Much more can be done to further develop this framework which could result in practical benefits within our First Nations at the community level and beyond.

Koqajotmnej Tan Koqoey Mimajunuksi't*

Mi'kmaq and Maliseet Response Document

on

DIAND's Sustainable Development Strategy

Prepared by: Atlantic Policy Congress of First Nation Chiefs Secretariat Inc.

Date: October 20, 1997

* Mi'kmaq word that describes the concept of sustainable development. A literal translation of the word would be: "keeping it the right way—that which gives us life".

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Introduction

This report is a compilation of Mi'kmaq and Maliseet peoples' response to the Department of Indian Affairs and Northern Development's (DIAND's) Sustainable Development Strategy (SDS). This information was gathered by the Atlantic Policy Congress (APC) through sustainable development community sessions which were held in ten Mi'kmaq and Maliseet communities and with three Mi'kmaq and Maliseet organizations. Before considering these responses it is important to understand why APC got involved in this process, why sustainable development is a concern of DIAND and why DIAND sought Mi'kmaq and Maliseet input.

Why APC facilitated sustainable development community meetings?

Currently, DIAND's policy direction is to devolve programs to First Nations, whether or not First Nations are prepared for them. Self government and land claim agreements which include self governing provisions have been implemented in many areas in Canada. Mi'kmaq and Maliseet peoples need to be prepared for similar developments.

The APC Secretariat's mission is to protect the aboriginal and treaty rights of the Mi'kmaq and Maliseet Nations. To fulfill its mission, APC analyses potential impacts of government policy with the continued practice of aboriginal and treaty rights. Therefore, the Congress took an active role in seeking responses to DIAND's "SDS," primarily to ensure that the aboriginal and treaty interests of the Mi'kmaq and Maliseet Nations are protected and also to use this process to create a Mi'kmaq and Maliseet sustainable development policy.

Why Mi'kmaq and Maliseet got involved in this process?

Concerned Mi'kmaq and Maliseet peoples who participated in community sessions across the Atlantic region wanted to ensure their interests were heard, recorded and brought forward to the Commissioner of Sustainable Development. Many participants expressed the importance of protecting their aboriginal and treaty rights and questioned the legitimacy of both the federal and provincial governments to sustainably develop land, title to which is still a contentious issue. Mi'kmaq and Maliseet Nations have never ceded title to their traditional territories. The jurisdictional land title question needs to be addressed before any meaningful discussion can occur regarding sustainable development between First Nations and governments. Until those jurisdictional questions are properly and adequately addressed, Mi'kmaq and Maliseet Nations must be involved in the decision-making process over the sustainable use of resources within their respective traditional territories.

Why DIAND wanted Mi'kmaq and Maliseet input into its SDS?

Canada, and DIAND in particular, has a duty to consult with Mi'kmaq and Maliseet peoples on its formulation of a SDS which Canada will create and present to the House of Commons by December of 1997. First, because Canada was a signatory to Agenda 21, a United Nations Convention in which Canada made a commitment to co-operate and provide for sustainable development. In that report, under Chapter 26, the United Nations (UN) specifically recognized the contribution indigenous peoples have made to sustaining their lands and urged governments to strengthen the role of indigenous people within their lands. It also urged signatories of the

convention to consult with indigenous peoples about sustainable development within their lands. Recently, Canada has committed itself, through the *Auditor-General Act*, to consult with Mi'kmaq and Maliseet peoples regarding any sustainable development government initiatives.

Second, DIAND must carry out Canada's fiduciary responsibility to Mi'kmaq and Maliseet peoples. Canada's legal obligation to "consult" does not result solely from signing this international convention, nor from the recent amendments made to the *Auditor-General Act*. The requirement to consult stems primarily from a constitutionally-mandated legal responsibility to protect the continued practice of aboriginal and treaty rights. Whether or not it is sustainable, any form of development within the traditional territories of the Mi'kmaq and Maliseet Nations may greatly affect the practice of aboriginal and treaty rights.

Mi'kmaq and Maliseet Nations are very much concerned about the environment and the proper use of the earth and its resources. Mi'kmaq and Maliseet peoples want to be involved in the decision-making and formulation of a national SDS. The first two phases of the community sessions were viewed as a starting point for information sharing, but not as decision-making. Mi'kmaq and Maliseet peoples stressed the need for continued involvement in the formulation and decision-making of these policies and strategies as true partners.

DIAND's SDS Consultation Process

DIAND is legally mandated to consult with the Mi'kmaq and Maliseet First Nations on its SDS and has established a two-phase consultation process to receive input. Phase I of this process focused on discussing the concept of sustainable development. APC took the initiative and targeted key Mi'kmaq and Maliseet communities to share and receive information, concepts and ideas about sustainable development. Phase I of this process was done and compiled in a report which was sent to the department to be used for input within their draft SDS. Copies of both reports were then sent to all Mi'kmaq and Maliseet communities to be used for review and additional input during the second phase of the process, which serves as the basis of this report.

Mi'kmaq and Maliseet sustainable development community sessions

Purpose of community sessions

The purpose of the second phase of sustainable development community sessions was to distribute and get feedback on DIAND's draft strategy on sustainable development. DIAND has stated throughout this process that the sustainable development draft strategy is based on the consultations it had with First Nation's people across Canada. Therefore, if the strategy did not reflect First Nation's concerns it will change the strategy to reflect it. Specifically, DIAND indicated that they would like to have feedback from the Mi'kmaq and Maliseet's peoples on the principles, issues, objectives, targets and actions as outlined within the draft strategy to see if it accurately reflected Mi'kmaq and Maliseet concerns.

Phase I

In the Atlantic Region the APC, in conjunction with First Nations, has taken the initiative to facilitate discussions about DIAND's sustainable development process. Phase I of sustainable development community sessions in the Atlantic region took place in October and November-

1996. The results of those sustainable development sessions were published and given to DIAND to be used as input into the formulation of DIAND's draft SDS.

Phase II

DIAND's SDS was considered as a working document. Phase II of the community sessions was an opportunity to ensure that DIAND "did it right", that it included the views, issues, concerns of the Mi'kmaq and Maliseet Nations within that strategy. If Mi'kmaq and Maliseet people felt that DIAND'S strategy did not reflect their views, people were given the opportunity to ensure their views were included throughout Phase II of the community sessions.

APC facilitated Phase II of the community sessions on sustainable development. Not all Mi'kmaq and Maliseet communities could be visited, but all neighbouring First Nation communities (which are placed in brackets) were invited and encouraged to attend the consultation sessions closest to their area or adjacent community. Over one hundred people participated in the 11 community sessions. The following is the schedule of community sessions that occurred and a breakdown of number of participants at each session:

July 2	Union of New Brunswick Indians (UNBI)	6
July 3	Indian Island (Big Cove, Buctouche, Fort Folly)	17
July 7	Millbrook/CMM (Pictou Landing, Indianbrook)	10
July 8	St. Mary's (Kingsclear, Oromocto)	7
July 14	Bear River (Acadia, Afton, Annapolis Valley)	5
July 15	Eskasoni (Chapel Island, Wagmatcook, Waycobah)	19
July 16	Union of Nova Scotia Indians (UNSI)	7
July 22	Conne River	7
July 25	Tobique (Woodstock, Madawaska)	11
August 5	Listuguj (Eel River Bar, Pabineau)	5
August 6	Red Bank (Burnt Church, Eel Ground)	8
August 14	Membertou	6

In order to ensure Mi'kmaq and Maliseet responses were incorporated into DIAND's strategy, APC worked to complete the response by the end of September 1997. DIAND must table its SDS in the House of Commons in December 1997, and needed to complete the final draft of it's strategy by September 1997. Due to time constraints imposed by the process, APC, did not have sufficient time to consult with every Mi'kmaq and Maliseet community adequately.

Analysis Of Results

Consultations

United Nations Conference on Environment And Development, Agenda 21-Chapter 26 “Blueprint For Action”

•Indigenous People Recognized

Agenda 21 calls on governments to extend the opportunity for individuals and groups to know about and participate in sustainable development decisions, particularly those that potentially affect the communities in which they live and work. More importantly, Agenda 21 emphasized the significant role Indigenous people must play in achieving sustainable development. The sustainable development process we are going through currently is not sufficient. Mi'kmaq and Maliseet peoples require more time and funding to be able to involve themselves adequately in this process. This process is only the starting point for making decisions on sustainable development.

•Give Weight To Indigenous Cultures, Traditions And Values

Agenda 21 goes beyond giving Indigenous groups measures to participate in government decision-making. The measures it calls for can be put into three categories. First of all, traditional practices, values and cultures of the Mi'kmaq and Maliseet peoples, for instance, should be given special attention and weight in government proceedings and management plans. This information, must not just be considered, but should be sought out, recorded, supported, promoted and incorporated into government management programs. Mi'kmaq and Maliseet traditional knowledge and practices should be used as a model for meeting the standard of sustainability. More broadly, the government should protect the values and the cultures of communities that have fostered accumulation of traditional ecological knowledge and sustainable harvesting practices.

The process to date has been less about establishing principles and more about APC distributing information regarding sustainable development. To establish principles traditional knowledge must be accumulated and this process requires time to seek out Elders, traditionalists, leaders, youth, fishers, hunters and gatherers. There has not been sufficient time to collect detailed principles on sustainable development from Mi'kmaq and Maliseet peoples. Community sessions may not be the appropriate forum to gather that information either. Information, if it is collected, could then be used as a model by the government for meeting sustainability. Furthermore, Mi'kmaq and Maliseet Nations are not involving themselves in this process to be information providers to DIAND, they are involved because they want to be decision-makers.

• Sharing Benefits Of Resources

Second, according to Agenda 21, Mi'kmaq and Maliseet peoples should be assured of at least a share of the “benefits” available from the sustainable use of resources in their environments. Agenda 21 generally urges states to provide Indigenous peoples “wider access to land, water and forest resources.” And it also calls on coastal states to recognize the “rights” of Indigenous people to coastal and marine environments “to utilization and protection of their habitats on a

sustainable basis". This implies that, with the protection of traditional uses and the guarantee of continued access to resources, incompatible access and exploitation by others should be effectively excluded. The UN document also speaks of allowing local communities to derive economic benefits from uses of traditional knowledge and practices. One way to enhance sustainable resource management is to reward the knowledge, innovations and practices that make sustainable use possible.

It is imperative to address the land title question. Mi'kmaq and Maliseet people have never ceded title to what is now known as the Atlantic Provinces. In the meantime, until title is settled, Mi'kmaq and Maliseet people should be involved in the decision-making process regarding development on their traditional territories land, and if development is to continue it should be done with their involvement and they should be assured of a share of the "benefits" of sustainable development.

• *Self-Management*

Finally, Agenda 21 concedes that Indigenous peoples and their communities "may require greater control over their lands, and self management of their resources." To allow this process to occur, the federal government needs to support and encourage Mi'kmaq and Maliseet initiatives, such as the UNBI Fisheries Commission and the Unama'ki Fish and Wildlife Commission.

Overview of Mi'kmaq And Maliseet Recommendations

Participants at these sessions brought up very important points in relation to both the consultation process as well as DIAND's SDS. The following are highlights of the major recommendations raised at these sessions.

Language

Mi'kmaq and Maliseet peoples expressed concern that the language used by DIAND within the strategy was too general and broad and that the issues, objectives, targets and actions as written could be manipulated to further DIAND's paternalistic agenda.

Agenda 21, Chapter 26

The consensus in many communities was that DIAND's draft strategy was a "watered down" version of Agenda 21, Chapter 26. Because many communities distrust the intentions of DIAND, they expressed the importance of returning to the stronger language used in Agenda 21, Chapter 26.

Commissioner of Environment And Sustainable Development

Because DIAND is accountable to the Commissioner of the Environment and Sustainable Development regarding its SDS. Mi'kmaq and Maliseet people strongly recommended that its response document and strategy as prepared by APC be sent to the Commissioner to ensure that DIAND is also held accountable toward the concerns and recommendations of the Mi'kmaq and Maliseet peoples.

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Consultation

Because consultation has a certain legal meaning, which corresponds to DIAND's fiduciary obligation to consult with First Nations on any issue which may affect existing aboriginal and treaty rights, there was strong reaction on the part of many communities that their input into this process not be deemed "consultation". Adequate legal consultation requires more than just responding to a DIAND strategy. APC has made it clear to DIAND that Mi'kmaq and Maliseet peoples' current involvement in this process in no way constitutes consultation.

Networking and Public Relations

All communities emphasized the importance of communication and networking. As Nations, it is important that we not isolate ourselves. Mi'kmaq and Maliseet communities have much to learn from and share with each other in order to benefit the whole. Sustainable development management regimes will not work without co-operation from within the communities as well as with outside entities. Awareness needs to be raised about the positive contribution Mi'kmaq and Maliseet peoples have made to the environment and to the world.

Capacity Building

There was much consensus in community sessions regarding both technical and financial capacity. Mi'kmaq and Maliseet Nations need capacity building because their governments and organizations are inundated with requests to deal with technical information but do not have the capacity to respond adequately. A long-term goal in capacity building would involve encouraging youth to educate themselves in areas such as biology in order to use our own scientific methods utilizing culture and tradition. A short-term goal would involve receiving government financial support to hire biologists.

Adequate Support And Funding

Concerns were raised regarding DIAND's commitment to sustainable development. Communities recommended that adequate funding be made available to fund local initiatives to reaffirm sustainable development management regimes. Currently, funding for sustainable development issues is inadequate. Funding is essential to build capacity. Mi'kmaq and Maliseet peoples require funding to maintain local initiatives such as the Unama'ki Fish and Wildlife Commission, Environmental Committee and the UNBI Fisheries Commission.

Environmental Assessment Inventory

Recommendations were made to request from DIAND an environmental issues inventory of the Atlantic Region as it pertains to Mi'kmaq and Maliseet communities. This is important because it could provide a yardstick to measure how adequately environmental problems are being dealt with. Many communities noted that a quicker response time from DIAND is needed to address existing environmental problems.

Database on Environmental Issues

There needs to be an environmental issues database that is easily accessible to Mi'kmaq and Maliseet people. A website was suggested.

Involvement in Decision-Making

Mi'kmaq and Maliseet peoples want participation at the national and local levels in resource management and conservation strategies and other relevant programs established to support and review SDSs. Communities indicated the need to establish a process to empower Mi'kmaq and Maliseet peoples and the need for arrangements which strengthen active participation in the national formulation of policies, laws and programs relating to resource management and other development processes that may affect them.

Protection of Traditional Medicine Gathering Sites

The protection of traditional use sites was paramount in all communities. Many communities expressed the frustration of seeing their traditional medicine sites being polluted and destroyed without any legal protection or remedy. Communities require legal and fiduciary support by the federal government to protect their medicine gathering sites.

Clean-Up of Pollution in Our Communities

Many communities expressed the importance of cleaning up pollution, but financial, legal and technical support from DIAND is required to make this possible.

Conclusion

Mi'kmaq and Maliseet Nations must ensure their aboriginal rights are protected. Without forests, clean waterways and an environment rich in a variety of resources, our people will not be able to hunt, fish and gather, or survive. We must take an active role in ensuring our interests are protected within the sustainable development activities occurring within our traditional territories, through involvement. All Mi'kmaq and Maliseet people have an opportunity to ensure that their interests and voices are heard knowing that the information will be used in drafting a SDS which will be tabled in the House of Commons. Furthermore, it gives our Nations an opportunity to develop a plan of action in relation to the sustainable use of "natural resources" within our traditional territory. One key response noted in the first phase consultation within the Eel Ground First Nation was the need to begin "compiling information and establishing proper land use planning using our own philosophy." In exercising jurisdictional responsibility to govern within their traditional territories, Mi'kmaq and Maliseet Nations must codify land management schemes that reflect the continued sustainable use of the natural resources for all people.

DIAND's draft strategy on sustainable development does not go far enough in its objectives, targets and actions. If DIAND followed the spirit and intent of the 1992 United Nations Rio Conference on the Environment and Development, it would first focus on addressing the land title question in the Atlantic area. Second, it would ensure that Mi'kmaq and Maliseet people were involved in the decision-making process regarding resource development within their traditional territory. DIAND should be an advocate, not an adversary in the land claim process. DIAND should actively support the survival of Mi'kmaq and Maliseet traditional ecological knowledge, culture, language and traditions. DIAND should recognize and support Mi'kmaq and Maliseet initiatives to reaffirm their traditional ways of managing the resources.

If DIAND is sincere about establishing trust and respecting Mi'kmaq and Maliseet culture, then it must act upon the forthcoming recommendations. DIAND must recognize its evolving role to

support First Nations in their decision-making endeavours. This role is to address the injustices committed against Mi'kmaq and Maliseet peoples.

It is important to note that the general consensus among the participants at these sessions is that DIAND'S draft strategy on sustainable development is not adequate. Many felt the issues, objectives and targets are paternalistic and did not support or recognize Mi'kmaq and Maliseet Nations' abilities and initiatives to manage natural resources. Also, many wondered what support would be given to Mi'kmaq and Maliseet initiatives to reaffirm and develop their own sustainable development management regimes.

Another reason the Strategy is considered inadequate, is because people stated it was a watered down version of Agenda 21, Chapter 26. A recommendation made at the community sessions was to re-emphasize Agenda 21, Chapter 26 in order to use it as a blueprint for a strategy within the APC Phase II results.

The Federal Government is aware of the harmful effect natural resource development may have on the continued practice of aboriginal and treaty rights, therefore they consult Mi'kmaq and Maliseet peoples about sustainable development. The federal government's legal responsibility does not end merely at consultation, they have a legal responsibility to protect Aboriginal and treaty rights.

Union Of New Brunswick Indians (UNBI)

Background

There were five people present at this July 2, 1997 meeting held in Fredericton with the UNBI. (Please see Appendix A-for UNBI Input document.)

Overview

- Companies are at war with environment.
- Regarding the APC sustainable development book, we must ask everyone for answers.
- First Nations need capacity to deal with problems.
- Recommend all crown land in NB should be turned over for native management and monies be put back into resource agreements.
- Aboriginal people will enforce standards.
- In reference to page 8 of DIAND's strategy, the department is coming to us and asking what direction we feel should be taken. First Nations' experience attending many hearings and appearing before the Constitution Committee of 1982 and the land claim hearings informs us that when you put out a new policy for our comment, nowhere in the final document are our views reflected.
- First Nations are sometimes our own worst enemies.

- DIAND is not doing its job in protecting First Nations interests on both on-reserve and off-reserve resource development.
- Lumber is taken from our reserves, to be treated then brought back to the reserve to be sold to outsiders. When we want to buy lumber they want us to pay more. DIAND should shoulder responsibility. Band councils should not be agents of crown.
- How can First Nations take self-government if we haven't demonstrated capacity?
- Self-government is not about becoming agents of crown – and that is what is happening. We cannot have the federal government telling us what we can do and how to do it.
- One participant noted he had asked a DIAND official "what is self-government?" and the response was that "he didn't know".
- The problem with each community is the bad track record of managing resources.
- DIAND is responsible for what is happening in our communities and traditional territories.
- If self-government is a priority of DIAND, then they are not recognizing it in gaming. If First Nations had self government, then they would have the right to develop gaming for First Nations. Denying us this ability is denying us two basic rights – an aboriginal right and a right to self government. By denying a band the right to self-government, the government doesn't want the band to be economically self-sufficient. If government were fulfilling its fiduciary responsibility, it would recognize self-government.
- Government has not properly supported First Nation peoples' economic development attempts. Government does not want Aboriginal peoples to succeed.
- Ability to manage and capacity to manage resources is not there.

Indian Island

Background

Indian Island was selected to host a community session due to its proximity to the Mi'kmaq communities of Big Cove, Fort Folly and Buctouche. Each of those communities was notified of the event, and was invited to attend the community session which was to occur in Indian Island on July 3, 1997. Although, none of the neighbouring communities sent representatives to this meeting, Indian Island had a great turnout. Seventeen people were present, including Chief and Council.

Overview

There was much discussion in relation to DIAND'S draft SDS, where concerns were raised in terms of the general and vague language used in DIAND'S document. The goals and issues as outlined in the green book were too general and community members feared that the wording of specific goals and issues into such generalities could be manipulated by DIAND to serve its own policies.

Other comments raised were in relation to the land claims. As one participant put it, how can we talk about sustainable development if we don't have any land to sustain or develop? This led to discussions about how important it is for a community to prepare itself to become effective and efficient landowners. There is a need to encourage Mi'kmaq youth to train in fields such as biology which will enable the Mi'kmaq community to build capacity. Internally, community people recognize their responsibility to encourage youth to train in strategic areas which will benefit the community. Externally, community members recognize the fiduciary responsibility on the part of the government to ensure that Mi'kmaq peoples' aboriginal and treaty rights and land rights continue to be recognized and protected. Part of this responsibility involves not only funding Mi'kmaq people to train in those areas, but also providing funding to bring in technical expertise in areas such as biology, for instance, so that Mi'kmaq leaders could make informed decisions regarding fisheries.

It is wrong for the Department of Fisheries and Oceans (DFO) to assign communal commercial fishing licences dependent on signing the Aboriginal Fisheries Strategy (AFS.) For instance, lobster licenses may be withheld if they don't consent to AFS time limits and species. The aboriginal right to fish for food should be treated independently by DFO and should not be dependent on the aboriginal right to sell fish commercially.

Millbrook/Confederacy Of Mainland Micmacs (CMM)

Background

Millbrook hosted a community consultation at the Millbrook Bingo Hall on July 7, 1997. Ten people were present at this session. (Please see Appendix B for Confederacy of Mainland Micmacs Input Document.)

Overview

DIAND representative Ivan Rafuse outlined what the federal government was doing in sustainable development, noting that DIAND is not the only department preparing this strategy; every department is involved. Most departments have a small group working on strategy in-house. The first phase focused on what issues existed in sustainable development, what people thought it was and what DIAND thought it was. The results of that phase needed further refinement. The draft strategy will be brought forward in December. Before then, the First Nations' input document will be reviewed and compared with DIAND's document. Is DIAND on the right track? This is the exercise we are starting. How can we improve it and do it better? It is necessary to express strategy in common language, pull together goals, objectives and form an action plan. In 1998 the goal is to report to parliament on how government has progressed on the sustainable issue. The Commissioner has put the federal government to task – What should the principles of sustainable development be? What does it mean? What are your principles? How can economic activity and protection of resources co-exist?

- Mi'kmaq need to incorporate culture into policy. Mi'kmaq think and behave in a way that goes into our world view. Community people say there used to be medicines in an area where none exist now, due to economic activity.
- A reserve in the town of Truro was polluted by a town dump on the hill behind it. The dump is now closed, but chemicals destroyed the brook that runs through the reserve. The

issue went to court in the '80s, but the court said the statute of limitations had passed and threw it out of court. But the pollution is still affecting us today. Think about that.

- Original deal. Economic development. Reports on Pictou Landing Boat Harbour. Province agreed to take liability for clean up of Scott Paper. DIAND ended up paying for most of it. No one considered the consequences.
- Royal Commission on Aboriginal Peoples (RCAP) states that sustainable development should be brought to community.
- First Nations need to renew resources.
- First Nations must not clear-cut.
- First Nations need to have more control at community level rather than government control.
- First Nations need to start implementing our own standards.
- The protocol on sustainable development needs to be built on principles as opposed to guidelines.
- First Nations must live within our culture and our ways.
- To Mi'kmaq people everything is related. We cannot act in isolation because everything is related to everything else.
- First Nations cannot put a balloon around the sky or around the water. Things are going on above the sky and underneath the water. It's insanity to believe we are not related to everything. Clouds float by. Fires in Quebec affect us here.
- The interdependency of the environment is apparent when we recognize that acid rain in Sheet Harbour River is caused by development in the US. In Quebec, the maple trees are also affected by acid rain.
- First Nations need to look at the impact of industry and economic activity on the land.
- How can we determine if we are making an impact on sustainable development? We need an inventory of what is happening.
- We need a copy of all the environmental inventory the various federal governmental agencies have collected. We need to know what adverse environmental situations are being recorded and what is being done to address them.
- First Nations need a copy of the complaints made from each community regarding the environment. DIAND has a list generated by First Nations.
- Each federal department is developing its own strategy. How do all the different federal strategies link with each other? DIAND has a relationship with other government agencies.
- Put recommendations into action by links and liaison with the affected people.

ATLANTIC REGION

- Swamp lands are full of medicine and when swamps are cleaned there will be no medicines.
- Measurables – Need to tick off things that can measure and progress. Registering of storage tanks is one thing. Whether appropriate or not, it's more esoteric than that. It's more of an outlook. Takes mind set of what you do. That's supporting cultural side of things.
- Sustainable Development is about doing it right or not doing it at all.
- Effective partnerships are needed. We must set up a consultative mechanism.
- Capacity building. Coming from choices of youth.
- Will there be resources for community to deal with sustainable development? After this phase?

Mr. Rafuse responded by noting that first there will be a review of the strategy every three years. There will be no big funding pot for sustainable development. It will go forward in best way we present information. Some recommendations are coming from different programs. The capacity building section of the SDS is advocating funds for this. Some recommendations are broad based. How do we come up with hard core recommendations along with these that deal with sustainable development?

- Economic development resources have been cut considerably.
- There is a close link between economic development and the environment.
- First Nations need structure in sustainable development to maintain focus. Community economic development is related to resource development, but we have no resources to develop either area. From DIAND, those responsible for allocating capital funds are not attending sustainable development meetings. Getting the province involved in the situation here in this community might also expedite things.
- First Nations need to increase funding for capacity building.
- First Nations need the ability to get into decision-making process so that we can be part of implementing and monitoring it.
- First Nations need to set up mechanisms to make it happen.
- First Nations need an organizing body to develop and organize everybody and to keep an objective and goal in mind.
- First Nations need to look into setting aside land as parks. Eel River Bar is a good example of managing park resources. What we need to do is protect areas for park lands.
- First Nations need to educate ourselves and we need to be holistic.
- Track barrels in pond should be removed.
- DFO will offer partnerships but they can only go so far; then they will need more help to restore another part of a brook.

- Elders need to be involved in this whole process. Take Elders with an environmental person such as a biologist. Elder can teach history, use of land and resources. There are so many ways to educate in how to clean up and maintain a brook. This kind of information is being gathered for the traditional use study being done by Treaty and Aboriginal Rights Centre in Nova Scotia. There are so many different ways to use the environment.
- There is a school program called Fish Friends that teaches youth about the environment. Tanks are put in school as fish eggs begin to develop. Once developed, they are released into water. Youth are learning how fish are affected once placed in water, because not all survive due to pollution.
- Networking needs to occur. Need to know what activities are happening in different communities.
- Education is important. We could be developing the alternative medicine business, for instance.
- Need to develop capacity building.
- Need to be conscious about our effect on the environment. Deer hunting is taking from environment. We should hunt only what we need and not waste anything.

St. Mary's

Background

This meeting took place at the St. Mary's Bingo hall on July 8, 1997. There were seven people present during discussions. Two individuals were from the Oromocto First Nation.

Overview

- Sustainable development means being able to make it on our own. Ecology, natural resources and politics can't survive without the others.
- Governments want to give impression that they are consulting us when they are not.
- How can we sustain land when the reserve lands are so small?
- As Native people we have to prove ourselves. In Forestry, we use holistic selective cutting in setting our own forestry management program.
- Now is the time to act.
- Province only thinks of profit and that is unacceptable.
- Sustainable development is about meeting our needs.

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- DIAND is cutting back their fiduciary responsibility. They are devolving their responsibility. What's the plan? How are we to acquire and accommodate resources? How do we plan on managing the resources?
- Need money to make money. Whole thing is about economic development. We need some way of generating resources. Province is generating resources by catching fish and cutting wood.
- What is this municipal model? Is it DIAND's plan to have First Nations operate as a municipality? We would appear to be municipal but in essence, we would not be, like a certificate of possession is like a fee simple but it isn't.
- Regarding finance, at the band level we are not looking at economic development but at programs, services and salaries.
- There is a concern that as our resources dwindle, there is no capacity to deal with other resources. Band level is about day-to-day crisis management.
- In St. Mary's we can't find money to defend people who are fishing and cutting wood. There are six or seven cases where we are trying to find monies to defend their cases.
- Need a two-prong approach to deal with day-to-day reality as well as to meet our long term goals.
- We need an entity to define all the actual aboriginal and treaty rights we possess and avoid legal consultation.
- We need groups because personal conflicts exist, and then everyone suffers.
- What accountability does DIAND and the federal government have to this SDS?
- Is strategy reviewable every three years.
- Leary about "Consultation process". For example, in housing, after consultation, DIAND changed measurables from number of units to number of dollars. We lost houses. Similar thing is happening with education. St. Mary's is trying to keep 72 students in school and only 56 can be funded.
- What kind of substance and content can come from these consultation processes when community people do not attend?
- Goal is to increase capacity to generate issues. That is our weakest area. We need to build our administrative ability to organize.
- We are suspicious of anything that is instigated by DIAND. There is some hidden agenda here.
- We need to propose an acceptable definition of "consultation". What will we consider proper consultation? We must be careful how we use the term "consultation" because government gives a certain meaning to it.

- This is not true consultation and communication. We don't have resources to deal with it properly. We don't have capacity. St. Mary's doesn't want to compete with APC. "Capacity building" is a buzz word of the '90s.
- Need to set up Maliseet environmental service, with 10 positions. If First Nation put together proposal and go to federal government for tax dollars, then they can state need foundation and qualify for private donations.
- Need to strengthen First Nations. Oromocto set up organization called Wil'a'mo'took which makes rental apartments where the monies go back into the community. Unity is what we need. We need communication.
- DIAND should give us a list of problems recorded in region.
- Annex 2 should be part of main document. Request that both the APC report and the Green document be forwarded to the Commissioner.
- The time frame is unacceptable, it does not give us time to get into substance. We must look at strategy developed at the community level, not just at organizational level. Values cannot be compromised.

Bear River

Background

This community session occurred on July 14, 1997. It was a morning session with five people present.

Overview

- Bear River is currently managing forests within the reserve. The community received national attention regarding this management initiative.
- We have a stalking program in fisheries.
- Bear River was classified as a dead river; no salmon were present. Chief Meuse was able to begin a process aimed at making Bear River alive again. The Elders told him there used to be a run of salmon in the river. He argued with DFO and told them it was a treaty right to fish salmon there. Once he proved one existed there, DFO agreed to fund the initiative. Now there are 10,000 smolts a year.
- This initiative created a training program for the peoples—they learned how to make spawn beds and started seeing results collecting water data. They focused on the rejuvenation aspect. Things started happening. Resources were coming in from the private sector; Business schools started coming. A University professor was interested in projects and lent them equipment to use.
- National Geographic came and did a story on our stream's restoration project here.

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- We do subcontracting with other organizations and have obtained contracts with DFO. For success, it was necessary to find a river with characteristics similar to the Bear River. DFO looked around the province and found water, like brookstock from Annapolis river. If 100 fish returned, that would be a major accomplishment. Currently there is no capacity to generate a major run of fish.
- The Get River borders on both east and west and is also obstructed by a Dam. Some old-timers say there were landlocked salmon there.
- We convinced Nova Scotia (NS) Power Commission to verify the presence of landlocked salmon for their own purposes. NS power participated by doing a study of watershed test.
- Initially, the quality of some water systems had changed. Water content has changed due to acid rain, mercury on water and siltation from improper forest practices.
- If did not have historical data collected before. Dam generated power that feeds two power stations. In one case, testing the water quality above dam to see if PH level was between five and seven in order for salmon to survive. The lake changes with depth. Brook height PH fed by a lot of water springs. Lose PH and gain volume.
- Emphasis on forestry, try to enhance wildlife, leaving dead trees for birds.
- The regulations left room for buffers. When things are trimmed back, the deer don't have a chance. One recommended approach is to trim a smaller area. The animals need room to walk, habitat for protection and more area to feed from. We proved it works. We are seeing more deer, it's levelled off in last few years. We also protect the big bucks.
- The only native moose, in Nova Scotia are here in the Annapolis area. The moose in the CapeBreton area were imported from out west. The native moose in that area died out.
- The concept is one of give and take. Native people talk of tradition and treaty rights and they live somewhat like our ancestors. We must start enhancing our cultural rights and be much more aware of our relationship to the land. We cannot exercise our rights out of ignorance.
- Focusing on goal number five (5), we definitely must maintain our environments, and it does not matter who does it as long as it gets done.
- Internally, we must look at what we want in this region. We can gather or harvest clams, for instance. Soon agencies will be saying Nova Scotia is dead. If Native people can protect it, then we should do so. Bear river is not dead; we know where the water is clean.
- First Nations need to listen to our Elders.
- First Nations need to do a user mapping project. This is a vital step in proving we have rights to the land. To document traditional uses, 3,000 people were interviewed. In doing these interviews, we need to be very accurate to be able to back up statements.

- Goals: Lots of long-term and short-term goals. Let's focus on the community right now. Do inventory and find what we have and how we can make it more sustainable. Traditional current use claims are there now we couldn't deny.
- We must be careful; some short-term goals are not good for future goals if we can limit ourselves today.
- Public relations is very important. Its most important effect is to educate non-native people about us.
- We must be accountable for our decision's therefore we need accurate data.

Eskasoni

Background

Nineteen people were present at the community session held in Eskasoni. The meeting was held at the old school board on July 15, 1997.

Overview

- Policies from oil storage tanks include the tanks themselves. Regulations apply to DIAND. We need funds to clean up and we get strategies. Who is responsible for storage? There are tanks being stored in Bras d'Or Lakes. We are trying to find financial assistance to clean up our environment and to enforce federal regulations.
- Reserve land makes up 3 percent of lands in Canada. We have never signed over any land. DIAND must consider at all our interests.
- There is no place in Nova Scotia that complies with sewage regulations.
- We are being denied access to traditional areas. There are large scale traditional medicine gathering places now being ruined by sewage.
- What is the policy on dealing with off-reserve issues.
- What do we do about private industry polluters on-reserve. New policy requires that fuel storage tanks must be registered. If people are delivering fuel tanks, we have to look for registration numbers.
- Federal and provincial governments in Sydney issue permits for proper sewage disposal. If a permit is not granted, we may have to limit development. Political people are key to getting something developed on our reserves.
- With regard to biodiversity, we need to enhance our program.
- Specific concerns: assessment report done in Union of Nova Scotia.
- It's an easy problem to fix storage tanks.

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- Sustainable development in Cape Breton has been discussed for 20 years at the University College of Cape Breton (UCCB) stewardship commission, but nothing has happened. Native people stopped attending meetings a few years ago; we were wasting our time.
- We must have an inventory of what we need to sustain.
- They did resource mapping. Traditional Land usage. Eskasoni only band pursuing this.
- With assistance from DIAND each band should have an inventory. Support and funding for this initiative are needed.
- Best practice, capacity building and needs assessment got to figure out what you got.
- Funding the initiative is the first step. Each community has different priority needs.
- Department decision-making process is ongoing. Following consultation with the community and Elders, a survey was done. Result was that a sludge pit was started and native medicines are now growing on the site.
- There is a current use study going on in Bras d'Or Lakes near Middle Shoal.
- DIAND is not much concerned with economic development.
- Economic development is not separate from environment sustainability. Economics and environment go hand in hand. There must be a balance between all these things.
- Are we creating a sustainable development "factory"? What control do we have over what goes on outside our reserves? If we put forward a policy, what effect will it have outside our reserves?
- A stewardship committee was formed in Bras D'or watershed, but representatives from non-native communities saw this as a threat to them. Everyone living in the watershed should work together to come up with a policy.
- There are different resources in each watershed and we must account for those differences. Cape Breton is unique. We must see if it can be developed into something that is different.
- Consider sustainable development from a First Nation perspective; we used to trade back and forth. For example, skunk cabbage grew only in a certain area, so we had to trade with the First Nation from that area for it.
- First Nations must look at sustainable development from both Nation and community level.
- What effect can we have on international sustainable development? Herbicides used in Maine are causing breast cancer in women.
- Native and non-Native people need to work together for progress.
- First Nations must exploit renewable resources, eco-tourism, whatever we have in order to benefit the community. For example, Eskasoni Hills is an ideal hiking area.

- In the past assessment of environmental standards was not done.
- Stop destroying the environment.
- Endangered species should be recorded. The mandate of the Geographic Information System is to map natural resource and medicine use on shorelines and historical sites so developers cannot use lack of knowledge as an excuse when they desecrate our sites.
- There is difficulty protecting off-reserve sites because of small land base. Previously we had the whole area; now we do not. Flagroot grew in the Grand Narrows when the bridge was built. The Union complained that the medicine would be destroyed by development. It did destroy half of the traditional gathering area. There are now only two remaining. At the privately owned Grand Narrows Cafe, the owner built a sewage system that destroyed the flagroot growing there. It's all gone.
- During the era of centralization, an Elder cultivated flagroot within Eskasoni, so that it would be sustained; that area has now been destroyed by a sewage plant.
- We need by-laws and regulations to protect our traditional medicine gathering areas.
- Living in such a small area is hard with an increasing population. For instance what do we do with the waste.
- First Nations need to have a policy on sustainable development within the Cape Breton region.
- Regulations do exist, but it is matter of compliance. Water and sewage regulations are changing.
- Who is accountable for environmental damage in reserves? In the past, DIAND; in the future, the bands.
- Education of youth is key to sustainable development.
- Government is focusing on jobs. Unless government listens to its own scientists, we won't have anything left.
- Global pollution affects us all. It has been years since we have seen frogs in Eskasoni. Radiation from the sun is destroying frogs' eggs. With fewer frogs, there are fewer snakes and more mosquitos. Think about what that is doing not only to animals but to us as well.
- First Nations need laws and regulations we can enforce.
- Our business here today is that we want to protect our Aboriginal Treaty Rights.
- Sustainable Development is about using resources for future development. It's about medicine, feeding ourselves, clothing ourselves and taking care of ourselves through the use of natural resources.
- For many First Nations people it is difficult to find any resources because of the small land base on their reserve(s).

ATLANTIC REGION

- The Department of Natural Resources has a two-page policy on Aboriginal Treaty rights. First Nations need to educate the province.
- First Nations have never signed any treaty rights over land.
- Some people think that our elected people are not accountable.
- DIAND is trying to figure out who is accountable to whom? Leadership is accountable to the people.
- First Nations asked if DIAND was developing a policy on oil storage. They also asked if they were going to do it voluntarily because the oil storage was on DIAND land and if anything happened the First Nations would be sued. Are First Nations going to enforce the policy, because if anything does happen the oil will go right into the lake.
- First Nations asked if DIAND gets funding for this because there is no policy to enforce it.
- There is no place in Nova Scotia to just dump waste, it has to be co-ordinated with DIAND, the community and environment committees.
- In this community one of our traditional gathering areas has been ruined.
- What is the government going to do when all the fish are gone? They can't bring the fish back.
- All these years the government needed a permit to dump sewage, but did not have one. We find the government does not care.
- Our traditional ways are not protected, so neither are our children.
- How can we protect our environment?
- There is a barricade around the tanks. No clear cut. Buffers have to stay. The police try to enforce the regulations. We have difficulty listening.
- We have been talking about sustainable development for the last 70 years. Nothing was ever done, so people stopped attending meetings. The last meeting ended in an argument about whether people want drums or bagpipes.
- We need an inventory of what we are going to sustain; on mapping all traditional medicines, fisheries, etc.
- Every community will be different, with community needs of its own.
- When a departmental decision is made, the Elders and the community should be consulted.
- One of the sites is being covered by slough and we need to prove, first, that the land is for traditional use and, second, that we are currently using this piece of land.
- BC is in the middle of land claim agreements. This puts many of these governments in a sort of war.

- What good is sustainable development if we can't do anything outside our reserve?
- The non-Natives saw it a threat to them about the watersheds. See if the watersheds can be fixed as a whole and everyone help. Look at it on a national level.
- Skunk cabbage only grows in Yarmouth. (past use and current use)
- Early in 1997, both Natives and non-natives talked about the River Dennis Basis where a shellfish resource has been depleted.
- Currently, our only resource is tourism, eco-tourism, exploiting whatever you have for nothing.
- We need a model Mi'kmaq village.
- If we are all subsufficient, then where does the department stand?
- The department has double standards; one for Native communities and another for non-Native communities..
- Calamus root (gegueswask.) used to grow here. The bridge would have a major impact on this site.
- When you live in a small area it's hard to develop.
- Cape Breton has a chance for sustainable development.
- APC would have to put together general laws, then the reserves could build on them.
- Once the policy is made, who is going to be involved or accountable?
- Our solution is that we need a lawyer and a warrior society. We need to protect our properties.
- Education is very important.
- Our children are not going into sciences. There are 247 Mi'kmaq students at UCCB.
- We have an environmental teaching program where students are doing field work among other things. We need to train for an environmental community.
- We also have to think about this globally. But if all we do is think, then nothing will happen.
- There is clear cutting on top of the mountain.
- There are salmon spawn in dedicated brook.
- Raw sewage is being dumped in our rivers.
- Development can have a drastic impact on a small community.

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- A bog is considered the rainforest of the north.
- Through the years, sustainable development has been compared to the government's old approach, like someone who is walking around with one leg.
- All races and colours must work together – this is happening in Cape Breton.
- There is a lack of resources; we must approach non-Natives.
- The community must know what everyone in the band offices is doing.
- Sustainable development may not be promising for smaller communities. We must get our land back.
- Our proposal was declined by the provincial government. They have a fiduciary responsibility to the First Nations people.
- Any development outside the reserve requires First Nations consultation.

Recommendations

- Record all natural resources.
- Education and awareness centre could be used for sustainable development.
- Develop sample watershed plans for the future.
- We need resource funding.
- We need to communicate with others and hold workshops in each community.
- We need to emphasize the importance of our culture.
- Encourage skills building for community people.
- We need to teach proper utilization of equipment.
- Use of forest--use of recycling.
- When using the word, we capitalize "Elders".
- On page 21 of APC book, the circles should be connected.
- We should acknowledge that economic development is related to sustainable development.
- We need to develop a mini-strategy for each community to provide assistance to develop and incorporate peoples' lives into sustainable development.
- We need to develop information dockets about obtaining funding.
- Developmental plans that look at the long-term instead of the short-term are crucial.

- The existence of hemlock is a sign of a mature forest.
- Killed the nomadic lifestyle.
- Sustainable development in Mi'kmaq means---"menaa telotemenetj mahamegew" or "Koqajotmnetj tan koqoey mimajunuksi't".

Union Of Nova Scotia Indians (UNSI)

Background

There were seven people present at the meeting with the UNSI held at the Eskasoni Fish and Wildlife Building on July 16, 1997. (Please see Appendix C for input document submitted by Unama'ki Environmental Committee, on behalf of the UNSI.)

Overview

- The objective of the SDS should be to acknowledge traditional knowledge.
- Developing human resources is also critical.
- Sustainable development is just a name for something we have been doing for millions of years.
- We need human resources.
- There is a lack of communication.
- There is a lack of financial resources to implement our initiatives.
- Awareness and education are vital in sustainable development.
- We need to map our resources and create an inventory.
- DIAND's strategy is diluting Agenda 21, the UN document. DIAND is trying to satisfy international obligation without eliminating themselves.
- DIAND is not consulting us.
- For instance in chapter 26.6 in Agenda 21--Canada has not complied.
- DIAND's initial strategy is unsatisfactory and we want to come up with another strategy.
- The sustainable development at the Malagawatch Medicine Project has been going on for five years.
- DIAND said we might not have the funds to accomplish all our goals and objectives, and meet our targets.

ATLANTIC REGION

- DIAND's strategy is not even committed to these actions.
- Mi'kmaq tradition number three should be an objective not a possible action.
- There is no funding for traditional knowledge.
- Joint Economic Development Initiative (JEDI) is declining with economic issues. Funding is just bringing people together. They have monies to bring them together but it does not go very far.
- Band managers do not bring back news.
- DIAND say they are already contributing for post secondary meetings.
- Why are the First Nations people not consulted?
- We need to make our own actions and agreements.

Key Recommendations

- Improve communication
- Conduct watershed planning
- Map and inventory all resources
- Awareness
- Education

Comments On Appendix K Of APC Document "Agenda 21"

- 1st paragraph – the words were diluted.
- Until DIAND is out of the way then we cannot handle anything on our own.
- This is only what Indian Affairs says and does.
- Initial statement found insufficient and we are going to use the one from Agenda 21.
- To look at communities and document all what is going on for sustainable development.
- Some may have informal sustainable development, and we could give support to make it better.
- We are not starving our relations.

Conne River

Background

There were seven people present at the community session held at the Band Office in Conne River on July 22nd, 1997.

Overview

Many initiatives are being carried out in the community by utilizing resources and land. The community is involved in aquaculture, silviculture, agriculture, christmas tree farming, arts and crafts, building supply store, sawmill and garage, outfitting business, tanning of hide, basket making course. There is 95 percent employment within the community. They use their funding to train individuals to work within the local industries. They have a daycare and a gas bar. They now own and manage what was previously a provincial park. They manage a cable tv service. They are looking at eco-tourism and developing an air charter operation. They are currently in the process of developing a forest management plan to cover 10,480 square hectares.

Tobique

Background

There were eleven people present at the community session held in Tobique on July 25, 1997.

Overview

- The history of the process that lead up to this meeting had been put in a flow chart, so people were better able to grasp it.
- The RCAP should be recognized by Canada. Native peoples are concerned about how this 300 million RCAP will be shelved.
- We need by-laws and policies to be in place. It is up to our elected people to do something about putting the environment first. We need political will to implement these policies, if it doesn't exist, we need the capacity to deal with the problem.
- Political will is important, but the people need to take a very active role in this initiative.
- People are worried about water and fishing with gillnets; they don't like to use gillnets. People are also concerned about salmon; box nets are being used.
- Clear cutting affects the watershed of the area. Silt comes down from the mountain into the river and kills the fish. Why bother to have conservation policies if we are destroying trees and rivers? The province as land manager is "scitzo". All our lakes are contaminated.
- The Maliseet approach to land management is to protest and stop development. We need to stop development before we are recognized as co-owners. We don't want more tree

farms; we want to maintain our forests. We need the natural forest. In a tree farm the medicines no longer grow there. It is sustainable, but it is no longer natural. It doesn't sustain habitat for medicine. It's a plantation. It is mono-culture, designed to sustain only one tree. But these trees are very susceptible to wind. Last week most of the trees were downfall, they had no protection.

- Ash is difficult to find and when you do locate some, it is brittle and breaks. Notice that in reforested areas the game is hanging out there rather than in old growth. Game is adapting. To stop this mono-cultural forest maybe we need to burn it all down rather than let them cut it. That way, when it grows back, it will be natural forest. In 50 years we may have nothing.
- The two pages within Annex 2 are pretty accurate, they're right on the money. The play is an innovative way to get the word regarding sustainable development out.
- The APC report sums up pretty well what the concerns of the people are.
- How will that report help people in Pictou Landing for instance?
- The APC report should be submitted to the Auditor General along with the DIAND report on sustainable development.
- I would like to see DIAND compare what happened at Pictou Landing with the situation at the Love Canal. What action has DIAND taken to contain the pollution from the Love Canal?
- Who is responsible for what?
- The sewage treatment plant in the Tobique river is contaminated. No one can swim there. The only place in Tobique where we found some contamination is at the mouth of Tobique river and in SaintJohn. The sewage is feeding into river ways because the pump station cannot handle the load and it is overflowing into the river.
- Issues were raised in terms of response time to environmental problems – whether the response time is efficient and effective. We need to look at our capacity to respond.
- Notification is an issue. Often we are not even notified if there is or isn't an environmental concern. Information is not being circulated in a timely way.
- There should be some committee to monitor, record and disseminate this information on the environment.
- The response time from DIAND is not good. It is not doing its job in protecting our off-reserve interests.
- How can we trust our leaders to protect us when there is so much corruption?
- First Nations need capacity and proper leadership.
- Jurisdictional issues need to be addressed, so outside resources can be dealt with.
- Chiefs are signing agreements in the fishery that are limiting our rights.

- Do the organizations within Atlantic Canada have the ability to protect our resources?
- APC 's commitment is there in staff and political will.
- Leadership capacity is an issue.
- It is difficult to get into sustainable development if we are not organized. Structure has to be there and structure needs to be strengthened. We know how to conduct meeting.
- First Nations should stick to the language of Agenda 21.
- Strategy does reflect report, although it is watered down.
- Measurables. First Nations need to get a snapshot of all environmental situations and attach it to data to use as a yardstick to measure issues.
- There is difficulty in dealing with environmental concerns because of bureaucracy. They constantly refer back to another program area where the "problem" originated. Need to go back to program it stems from.
- Improve capacity of DIAND to deal with, manage and respond to issues.
- Environment section in DIAND should be able to deal with all environmental problems.
- Both reports should be sent to Auditor General.

Listuguj

Background

There were five people present at the community session that was held in Listuguj on August 5, 1997.

Overview

The language used in DIAND's SDS does not reflect the language and intent used in Agenda 21, Chapter 26. DIAND has a way of turning things around. The wording in the strategy is noncommittal. "To begin to respond", is not enough.

All communities should have a better say in management of resources in fishing and forestry. The whole idea is to correct the problem of the environment. In Listuguj we are enforcing our own fishing plan. DFO tried to harass us in the beginning but they haven't come onto the water this year. In Quebec they are giving the rangers more areas to patrol, we are under a service agreement to take over Quebec's monitoring of waters. Self-government is an issue.

Recommendations

- There should be more aboriginal enforcers protecting the environment.

ATLANTIC REGION

- We need to deal with the capacity to build.
- Land claim issues need to be dealt with.

Red Bank

Background

There were eight people present at the community session held at the Mother Earth Healing Lodge in Red Bank on August 6, 1997.

Overview

- The APC sustainable development document reflects what was said at Eel Ground community meeting during the first phase of meetings.
- Both APC documents should be sent to the commissioner and to the Auditor General.
- We need to sustain ourselves. We see fish being caught and sold, but we are shut out of the industry.
- We need to re-affirm and re-establish Wabanaki trade alliances, we need to support cross-border and inter-band trade. We need to set up protocols that support this movement.
- We need to establish our own forest and fishing regimes.
- We need to build our capacity to manage our resources.
- DIAND's overall strategy is geared toward steering us to self-government, it is also working toward eliminating the *Indian Act*. The *Indian Act* is the only piece of legislation that holds Native people together in Canada. Treaties are nation-specific.
- We don't want their SDS to eliminate our report. We don't want our voices lost.
- Bands are under control of DIAND.
- We need to look to traditional people for direction. We need to have their input; we need to speak in our own language. You can't walk into a meeting with Native people and use big words.
- First Nations need to talk to the people that work in the woods, we need to get their feedback.
- The APC mission is to create unity.
- We need to create our own revenue-generating industries.
- What is to stop us from killing our own land? We must be more cautious, more respectful.

- We need to create our own association and get involved in all the forums which affect environment.
- We need to organize ourselves politically at the provincial, national, and international levels.
- We need to have a strong position, politically and legally.
- We need partnerships with businesses.
- We need to have proper representation. All Native organizations should be involved, including the Grand Council. We need to be inclusive and we need to invite all people. That's unity.
- We must look to tradition for answers. We have the model that we have used for generations. We have much to teach others in dealing with the environment. The resources are priceless.

Membertou

Background

The community session in Membertou was held on August 14, 1997, with six people present.

Overview

- The herbal medicine project is in the process of getting international support for its initiative.
- There was a question as to how this strategy was related to the RCAP, in terms of how it leads toward self-sustaining. What is the linkage with sustainable development?
- Sustainable development is a long-term issue. We must be informed about this process, and be able to comment on it.
- The SDS will be taken to bureaucrats to quantify it.
- What is being said in APC's earlier report is coming from the grassroots.
- Overview of issues for Membertou. It is frustrating; we hate it. There is not a good cross section of communities here.
- Individuals have no desire to attend meetings like this. They believe band staff, DIAND, and APC will take care of it. They need to feel more empowered to address issues that are of concern to them.
- There is lack of interest. They have faith in the Chief and expect him to look after them and to make sure they do the right thing for the community.

ATLANTIC REGION

- Consult: Why people aren't showing interest in attending these meetings? How do we broaden the consultation process to attract more people? We can get booklets and position papers and put them in Mi'kmaq and Maliseet news, but we need to go further. But at the same time we can only go so far. People have to do it themselves.
- Suggest that, because it is an important issue, every Mi'kmaq be mailed a copy of both sustainable development documents, or give funds to local community newsletters to input and distribute it.
- At least people get to see what we feel is important. The strategy has to be simplified. Band meetings are stressful. First Nations asked the DIAND representative to speak in normal laymen's terms, i.e., What does "deem" mean? (He explained what deemed meant.) Must remember to make what is going on clear to the people.
- Getting information out to communities is not the problem. In drafting, we should be using terms that are easy to understand. I understand there is a trade-off and there should be balance to approach it in this way.
- The key people to approach for the consultation process should be identified. This information should be communicated so people know who they should speak to.
- Consultation, in global picture. What he'd noticed in international forum, especially in sustainable development issues, there seems to be general unwillingness on the part of Canada not to support Indigenous peoples in their movement to increase the quality of their lives. For example, in Membertou, they sought a tuna license in the fishing industry. They went through all avenues of DFO and got a tuna license. Then, for political reasons, it was taken away. Membertou kept pressing and attending meetings with Atlantic region of DFO re: tuna. DFO was very resistant. So Membertou went to an International Forum and attended an international consultation on Atlantic Tuna in Spain. It took this action at the international level to get something going. It felt tense, that we were part of discussions, but Membertou successfully lobbied to get a tuna license. DFO issued one to Membertou and to two other communities.
- Canada should not resist our efforts at economic development. Economic development needs to be balanced with environmental cost. We need a formula that will work.
- How to influence policy and law. If we call something sustainable development, we all benefit from it, but we must also take responsibility for it.
- Consultation at an International Forum: Canada attends many meetings on issues in the fishing sector; for example, ground fish on Rome. Every species of fish is of international concern and are topics at meetings attended by a Canadian delegation. As part of the consultation process, Membertou suggests that Indigenous people be made part of these negotiating teams. For example, at the meeting in Spain, a representative from the Mi'kmaq Nation should have been made part of the official delegation in order to at least have input on an issue affecting First Nations.
- We need allocation in Tuna. An average fisher would not like it if fish were taken away from his allocation to give to an Indian's allocation.

- First Nations should be part of all world trade negotiations which involve natural resources.
- Sustainable development: Canada sends out trade missions led by the Prime Minister with the Premiers, and they invite heads of large corporations to accompany them. Indigenous people should be invited to and involved in these trade missions.
- Concerted efforts must be made to involve Native people in world trade missions. Scotland came here through contacts we made; the Scots let us know they were interested in us and wanted to get involved.
- First Nations need to work on our funding capacity to attend these world trade meetings.
- Gathering information is difficult.
- First Nations need to be part of World Trade Commissions, they need to be part of that team and be part of global markets.
- First Nations need to be co-managers of projects affecting us, and we must be part of the decision-making process. We must enforce these standards.
- First Nations need resource negotiation teams.
- Canada attends international meetings where it is decided how many cod (for example) will be caught in Canadian waters. Canada has a “pot” of fish and it is being divided up in the domestic sector. They don’t consider us when they think of traditional fishermen. They don’t include us in the international or the national equation. They put us in a box without consulting us.
- We recommend that Canada be more supportive of the aspirations of Native people. Canada was a lead proponent of having us be recognized as peoples as opposed to people. The Draft Declaration of Indigenous People is an amazing piece of work. It lays out an international perspective on how countries should deal with Indigenous people. Canada should support it.
- ILO Convention No. 169, Human Rights Declaration of Peoples everyone has basic human rights especially in context of treaties and how to administer them.
- Canada should take a proactive and supportive role on its human rights record and in bettering Native people’s standard of living. When Ovide Mercredi went to Europe to talk of situation in Canada, Canada sent Wayne Lord to counter Ovide’s message. To be supportive would mean being more helpful, so AFN wouldn’t have to do that.

Specific Issues

- The *Indian Act* itself creates problem in financing. The key section is S. 89 – the ability to lease and mortgage land. The banking sector is slowly getting more comfortable with the *Indian Act*, but the Act is still constrictive to business development. Land is not owned by Native people.
- DIAND should focus on applying its principles as set out in strategy, such as having open, inclusive and accountable decision-making.

ATLANTIC REGION

- At DIAND, the right hand doesn't seem to know what the left hand is doing. Self-government agreements are constricting bands into pockets. This is devolution. Information is not flowing in terms of how many dollars are available. DIAND needs to clearly set the expectations of bands.
- If sustainable development is goal--I think DIAND must put reins back and allow bands to manoeuvre.
- Membertou believes in political process not in adversarial process.
- It all comes down to money. Canada must implement RCAP recommendations to overcome problems, but Minister Irwin said it cannot be done because it will cost Canada money.
- Look at principle number four, Canada may have developed, but First Nations people certainly have not. The use of the term "efficient use" raises concerns about who will determine what is "efficient". If the provinces are involved, their definition of efficient use would say Indians shouldn't get anything.
- Must talk to the "number crunchers" and have agreement on how to support implementing these policies.
- Non-Native people need to be educated about history of Native people. From taxpayers' point of view, there is a need to get rid of tax burdens; many non-Natives view management of Natives as a tax burden.
- Short-term goal: reduce taxes, make cut backs and get re-elected.
- Long-term goal: if dealing with an issue up front, have a five-year plan. If it will cost a billion dollars to rectify a problem, spend it all now because by the year 2007 that billion will equal 10 billion. In the long term it saves tax dollars.
- On this basis, there must be some trust to work it out.
- We have 80 percent unemployment rate here in Membertou.
- We must have political will – the policy people need to tell a number of people to do this.
- Funding is needed to do assessments.
- Should negotiate a certain percentage of sectors through the treaty process.
- Consider fishing only 1/3 of national take of fish.
- In New Zealand, the Maoris got \$100 million to give up their aboriginal right to fish.
- Need to look at treaty making process on development. Fishing industry here is worth \$1.5-billion and that is only one sector.
- If not dealt with now, over exploitation could increase costs exponentially down the road.

Financial/funding

- We need some form of capacity building. Our people must be better trained, and we need to be upgraded and have the ability to look at development from both the sustainable and the economic point of view.
- We need to keep funding flowing. Funding for Community Economic Development Organizations (CEDOs) is being capped. Must be part of an elite group to receive funding. Most goes to the large entrepreneurs. Individuals in the community do not have access to funding.

Environmental

- This echoes the APC book; our land is dwindling and being polluted. It is an important asset and we need to become involved in the treaty making process and get our lands back. An Economics course will tell you any Nation needs a land base to develop and sustain itself.
- How can 260 acres sustain us? One-third of it is swamp land. Three quarters of it is rock. We have 500 acres in caribou marsh which is marshland. If we could sell insects we would be set.
- We need to clean up our reserve land and work with DIAND to clean up pollution in caribou marsh.
- We need more viable land that will carry industry and be used for developing tourism projects. We need access to water and resources.
- We need the land base to sustain ourselves and our economies; this land base includes watersheds and Oceans.
- We cannot force people to come to these meetings, but they are still concerned.
- The policy on inherent rights is creating the problem that tries to put us in a box. This must be addressed.
- We accept First Nations views of self-government.
- Native people want to develop the land in a sustainable way that is more respectful and cautious. We can do it better than government or industry.

Appendix A UNBI Input Document – Overview of Issues Surrounding Sustainable Development

Presented by The Union of New Brunswick Indians

Introduction

When discussing sustainable development issues, it is soon realized that a multitude of areas are directly linked to both the process and success of any initiative targeting resource sustainability. At present, First Nations are dealing with a wide array of issues relating to resources and their sustainability. Sustainable development is an essential ingredient to self-government and in order for First Nations to be truly self-sufficient, we must become comfortable and proficient with sustainable development.

Health and Well-being

The issue of health and the holistic approach to resource sustainability has not been incorporated into the DIAND document. The department clearly lacks a true understanding of First Nations people and their way of life, with respect to the traditional methods and ways of our people.

Forestry

First Nations view the forests as more than an economic opportunity. Forest resources encompass a vast array of species that are important not only economically but historically, ecologically and medically. It is pointed out in the First Nations consultations, how we would like to shift the primary focus of forestry back to ecology rather than the economy. DIAND covers this point to some extent, but the language used is quite different from that expressed in our communities

Mi'kmaq/Maliseet Heritage Sites

These sites are clearly an important and integral part of First Nation identity and history, but nonetheless, they are mentioned only briefly in the DIAND document. The importance of these sites is relatively unknown to the general public. We must take a proactive approach to the protection and preservation of these areas in addition to designing educational materials to inform the public of their significance. Federal agencies such as DIAND and Parks Canada should be assisting in this effort.

First Nation Involvement

This is a major concern for First Nations and is echoed in the DIAND document. First Nations are in serious need of training and skill development in the many areas of resource sustainability and the environment. Perhaps with DFO neglecting its fiduciary responsibility to provide training in these areas and provide partnering opportunities with agencies such as DNRE, Human Resources Development Canada, and DAEL, it may be up to DIAND to provide the needed link in this area. DIAND provides possible solutions, but it has yet to be determined if these solutions are indeed what First Nations really need to become a legitimate participant in sustainable development.

Natural Resources

First Nations have had to take a backseat with respect to participation in sustainable natural resource opportunities, largely due to governments' ignorance of Aboriginal/Treaty Rights and the lack of recognition of First Nation priority to access. DIAND talks about this denial of economic opportunities and how it has led to the dependency of First Nations on governments. Essentially, First Nations who have had good ideas for economic development and sustainability have been denied by the very governments who have fiduciary responsibilities to Aboriginals. The only way to decrease this dependency on government funding is to work with First Nations toward strategies for sustainable development.

A huge component of natural resource sustainable development is training. There is a great need in our communities for resource personnel who can assist their leaders in various areas regarding resource development and sustainability. Nowhere is this more apparent than in natural resources. Resources must be identified, assessed, and researched prior to their development and this takes considerable skill and expertise. The UNBI is currently designing several programs which will lead to the acquisition of these skills and expertise.

Accountability

The issue of accountability for environmental practices on-reserve and traditional lands must be seriously addressed and is part of DIAND's mandate. DIAND, through the Environmental Management System (EMS) program, seems to be starting this process. The problem is that this program has just begun in winter 1996/97. Clearly it has a long way to go.

Currently, the UNBI is very active in environmental issues affecting First Nations and our world, including the AFN Environment Committee, Environmental Partners Liaison Committee, and the Commission for Environmental Cooperation, and is representing First Nations concerning the Maritimes and Northeast Energy Pipeline Project.

Aboriginal Treaty Rights

As pointed out earlier, DIAND needs to be doing its job when it comes to the defence of First-Nation Rights. The ignorance of these rights is evident in the provincial, and even the federal, government sectors. The rights of Aboriginals to hunt and fish are constantly being challenged by the federal and provincial governments. The federal government, and our courts systems, must provide both the long-term protection and sustainability of these rights. DIAND has the mandate and the responsibility to educate the public and private sectors concerning the realities and implications of Aboriginal rights.

Fisheries

Clearly a need for "real" First Nation involvement in both the management and participation in all aspects of fisheries resources. First Nations must be seen as an equal player with government, and business must be done in a government-to-government manner. DIAND needs to express this issue in a more broad reaching manner, to encompass all aspects of fishery management, involvement and access.

The UNBI sits on several Fishery Management Committees and works closely with other First-Nation natural resource managers/agencies to provide the best advice and assistance to its

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members. Currently, the UNBI Fisheries Commission is actively involved with several initiatives aimed at increasing First Nation involvement in fishery management, development, research and access.

Elders

Elders are so vital to our past and our future, but they are not mentioned in the DIAND document. Elders represent a wealth of knowledge and experience that we need to acquire in order to learn and grow as a people. Elders not only provide insight into our past but are also our light to the paths of our future. They need to be involved, not ignored.

Fiduciary Relationship

It seems that many, if not all, of the federal departments have forgotten their responsibilities to First Nations and their people. DIAND appears to address this concern, however, it needs to be acted upon by DIAND, as we noted earlier.

The above suggestions and comments are, by no means, all-inclusive. They merely outline some of the issues and areas concerning sustainable development that we are currently facing.

Solutions and Follow-up

Clearly there is a gap and a lack of understanding of the way governments do business with First Nations. The problems are mentioned in the APC Consultations, and are touched upon in the DIAND document.

Even within the context of this document, it appears that DIAND has done its own internal census, but has not extended a legitimate hand to the First Nations of Atlantic Canada. Furthermore, it is indicative of their "consultative" approach when DIAND can produce possible suggestions to First Nation problems without having done a formidable job of consulting.

The next logical step for First Nations is to develop our own parameters for sustainable development, drawing on our knowledge base both past and present, as well as our current resource personnel and organizations.

Appendix B Confederacy of Mainland Micmacs (CMM) Input Document An Approach To Sustainable Development

Introduction

This paper was produced by CMM staff for input into a SDS for DIAND-an Initiative mandated by recent amendments to the *Auditor General Act*. It is intended to provide definition, guiding principles and suggestions for the practical application of sustainable development concepts from the perspective of CMM - First Nations.

Background

Sustainable development is both a term and a concept which has been surfacing in many communities for the last number of years. Governments and legislators have made recent strides to define and apply strategies to meet legal requirements surrounding sustainable development. The concept, by its nature, implies a reconciliation of responsible use of natural resources with community growth and development. However, this type of approach has been advocated and practised in First Nations communities since time immemorial. The First Nations form of sustainable development is a time honoured tradition of spiritual and community management. It has been based on respect and understanding for one's place in the universe and responsibility to the natural order of Mother Earth. Therefore, while government groups produce strategies to grasp a concept which has long been an intricate part of Aboriginal peoples, it has once again become necessary for First Nations to voice their own sense of sustainable development.

Definition

A First Nations definition of sustainability must include the ability of each generation to preserve and enhance the present and the past and to hold it in trust for the next generation. The *Auditor General Act* cites sustainable development as "development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs." Of paramount importance for First Nations, however, is the interpretation assigned this definition. Given the spiritual nature upon which First Nations have traditionally viewed their presence in the world, a First Nations definition of sustainable development must include the following principles as a minimum:

- respect for traditional ways;
- enhancement and preservation of the Mi'kmaq culture;
- preservation of Mother Earth; and
- assurance of a strong and healthy future.

Sustainable development cannot be fragmented but rather must be pursued as an all-inclusive (holistic) mission encompassing the traditional concept and harmony of the medicine wheel as shown in Appendix "A".

The Medicine Wheel represents many things to the Mi'kmaq. Of significance for this position paper, however, is the meaning assigned to communities and their development past, present, and future. Although there are four "sections" to the wheel, they are interconnected and interdependent. Harmony is achieved by equal attention to all attributes of the Medicine Wheel. Sustainable development projects must be identified and evaluated in light of their contribution to the holistic concept.

In summary, sustainable development for First Nations can be defined as development which will sustain the Mi'kmaq culture for future generations.

Recommendations

What can DIAND do to support First Nations sustainable development?

There are several basic initiatives which must be addressed before true sustainable development can be achieved. As a first step, the First Nations principle fiduciary must adopt a Mission Statement to reflect their commitment to the timeless nature of the Mi'kmaq view of sustainable development.

As previously stated, sustainable development must be viewed holistically as encompassing all activity and should be inherent to all DIAND activity. All plans, policies, directives, initiatives, programs, etc., must have this holistic approach from inception to delivery. A "sustainable development department" is not needed at DIAND. What is needed is a change in philosophy governing all agendas. Evaluation criteria can be defined in light of contribution (value) to First Nations' holistic view of sustainable development.

The following are suggestions which would demonstrate Departmental co-operation regarding First Nations sustainable development. It should be noted that First Nations do not want to sustain the present but rather incorporate the best of the past into a sustainable development position for the future. The following are listed as just a few deliverables which would begin to bring the present up to a standard from which First Nations could move forward:

1. Language has been identified as the basis of any culture. The Mi'kmaq language reflects Mi'kmaq belief, the connection with Mother Earth and the Creator, etc. A revival of the language and culture is mandatory to sustainable development.
2. Land base - First Nations have been accorded a fixed land base for a rapidly growing population. Present legislation does not provide for federal reserve growth to accompany population growth. Long-term land needs projections which reflect growth must be completed. From this data, legislation can be reviewed and amended and/or options for other forms of land tenure explored which will meet the growing need.
3. In order to create fruitful projects for any community, new ideas must have within them a reflection of that community. Therefore, viewing a new project must be done with the intended benefactors solely in mind. If this is to be accomplished within Mi'kmaq communities and success is to be attained, understanding the Mi'kmaq culture is foremost. More cross-cultural awareness is needed for government, schools, private industry and the general public. Most important in such an initiative is that it be First Nations driven, controlled, and delivered. Attention to the promotion of the culture

through the print media as well as television and educational videos would enhance cross-cultural awareness.

4. Governance - Traditional governance applied to contemporary issues can be encouraged through the exploration and development of such concepts as the Mi'kmaq Legislative Assembly and the Nova Scotia Tripartite Forum.
5. All countries, communities and cultures must have an economic base to support and preserve existence into the future. As most First Nations must depend financially on the federal government, considerable work must be done to enable First Nations to develop their own "economy" through support for First Nations Development Corporations, Charitable Entities, Trusts, etc. Sustainable development does not insist on wealth but it does mean economic freedom.
6. Natural Resources/Environment - Participation and consultation regarding policies and initiatives beyond reserve boundaries demonstrates respect for community values and provides opportunity for First Nations to advocate activities which are environmentally benign. Participation and consultation also provides First Nations the opportunity to promote conservation and preservation with respect to the use of natural resources and the environment. DIAND can encourage and enable such opportunities for First Nations.

The above suggestions are by no means all-inclusive and are only limited by the time allocated to the preparation of this report.

Conclusion

CMM maintains that the topic of sustainable development requires a more in-depth consultation process than has already occurred. CMM further recommends a consultation process be established by First Nations which will clearly define and document guiding principles for First Nations sustainable development.

Appendix C Unama'ki Environmental Committee Document submitted for UNSI
A Mi'kmaq Holistic Approach Towards Sustainable Development

Within the Bras d'Or Lakes five Mi'kmaw communities have participated and been involved in the initiation of a strategy for the management of the Bras d'Or Lakes watershed. The historical, cultural and spiritual roles of the Mi'kmaw encompass the stewardship of natural resources and are not viewed in isolation. Mi'kmaq values, traditions, respect and trust is reflected in the sustainable development and management of the Bras d'Or Lakes Watershed. Issues such as Aboriginal Treaty Rights, Aboriginal land claims, traditional knowledge, economic development, forestry management, water quality management and natural resources management are inclusive and viewed holistically in a community based sustainable developmental approach. Presented below are several examples of cases and projects undertaken by several Mi'kmaw inter-related organizations within the Bras d'Or Lakes watershed. Each case is an example of the Mi'kmaq holistic approach to sustainable development and demonstrates the urgent need for a cooperative effort among Natives and non-natives in co-management strategies.

Unsi Unama'ki Environmental Committee

The Unama'ki Environmental Committee functions through the auspices of the UNSI, and consists of representative of the five Mi'kmaq communities of Cape Breton. The individuals who participate on the committee on behalf of their communities are economic development officers, band councillors, environmental technicians, and fish and wildlife managers. The diversity within the committee itself represents the holistic approach that must be taken when dealing with the concept of sustainable development.

Middle Shoal Improvement Project

Aboriginal Treaty Rights such as fishing, hunting and gathering must be viewed, recognized and addressed with respect and trust in the sustainable developmental process. For example, the Middle Shoal Improvement Project undertaken by the Little Narrows Gypsum Company was a flawed process that lacked proper consultation with the Mi'kmaw and lacked a proper scientific environmental assessment of the overall project. The Middle Shoal Advisory Committee (now the Unama'ki Environmental Committee) was not opposed to the development but was dissatisfied with the project's inability to determine the long-term impacts and environmental screening performed by the lead agency, DOF. As a result, the Advisory Committee, comprising representatives of the Mi'kmaw of Cape Breton (Chapel Island, Eskasoni, Membertou, Wagmatcook, Waycobah, UNSI and the EFWC), selected three-consultants to review the proponent's studies. The studies were divided into three components; Fish and Fish Habitat, Socioeconomic and Oceanography. On June 5, 1996, the UNSI Chiefs passed a resolution opposing the project based on the 20 recommendations and findings derived from the three studies.

On October 25, 1996, Justice Andrew MacKay of the Federal Court, ruled that the Environmental Screening Report failed to assess the effects on the current actual use of fisheries resources of the Bras d'Or Lakes for traditional purposes by the Mi'kmaq. MacKay further stated that the Ministers involved failed to fulfil their fiduciary duty to prevent unjustified

adverse environmental effects upon the acknowledged aboriginal fishing interests of the Mi'kmaq people.

Unama'ki Marine and Research Institute

The proposed dredging project brought to light the need to put a system in place that would have the ability to assess objectively the impacts of developmental projects on the Lakes' ecosystem. The Mi'kmaq people are taking a leadership role in developing such a system which would prevent further degradation of the Bras d'Or ecosystem. The Mi'kmaq people of Cape Breton, through the UNSI, MFWC, and the Unama'ki Environmental Committee, are proposing the establishment of the Unama'ki Marine and Research Institute. This organization would develop a detailed scientific baseline information on the Bras d'Or Lakes, its watershed and the species that inhabit it. Also, a database would be developed for the collection of traditional knowledge that would allow for the process of integration of traditional knowledge with western scientific knowledge in sustainable development of resources utilizing a geographic information system.

Netukulimk Geographic Information System Management Project

The UNSI, in co-operation with the EFWC, has been awarded a grant from the North American Fund for Environmental Cooperation (NAFEC) for the Netukulimk GIS Management Project. The Commission for Environmental Cooperation (CEC) was created by NAFEC to enhance regional co-operation, prevent potential environmental and trade disputes and promote the effective enforcement of environmental law. The CEC was created in 1995 as a means to fund community based projects in Canada, Mexico and the United States that promote the goals and objectives relating to such issues as sustainable development.

The project mandate is to develop better management and planning tools for the Mi'kmaq First Nations be used for the inventory and planning for the management, conservation, and protection of natural resources. This will be accomplished by integrating traditional knowledge with available existing data in a user friendly geographic information system. The project will involve the collection of knowledge possessed by the Mi'kmaq Elders and will address two community concerns: first, the Mi'kmaq notion of Netukulimk which is to preserve, protect and promote the sustainable use of the land and sea to ensure that our natural resources are protected for future generations, and, second, the potential loss of the traditional knowledge possessed by our community Elders.

Eskasoni Fish And Wildlife Commission

The Eskasoni and Fish and Wildlife Commission (EFWC) is an organization which has taken a proactive approach to the sustainable development of fish and wildlife. The objective of the EFWC is to facilitate the involvement of the Mi'kmaq people surrounding the Bras d'Or Lakes in the management of fisheries resources, including conservation, species and habitat enhancement, education and information dissemination. The services provided by the MFWC will also assist the Mi'kmaq people who wish to share the resource with other user groups for sustainable economic advancement.

The Commission is undertaking studies to establish a scientific baseline, including investigations of lobster populations trends, shellfish productivity and herring spawning activities. In addition, the EFWC has assessed the habitat in many areas within the Lakes and its

watershed, conducted habitat assessment of the winter fisheries through an annual creel survey, and carried out water quality management. Also, through the Bedford Institute of Oceanography, the EFWC has initiated a study of the composition of the lake bottom, documented all available data sets on the resources of the Lakes (both its habitat and species), and used the above information to create a user friendly geo-referenced database utilizing desktop computer mapping.

An example of a proactive approach taken by the EFWC is the recent workshop which they hosted titled, "River Deny's Basin 'Now and the Future'." This workshop was held for community stakeholders, government officials and non-resident stakeholders to discuss the problems of growing pollution and resource management within the area. There was a group consensus that the question of oyster development was secondary to the immediate growing problem of pollution within the Basin. If there is to be a future oyster industry within the lakes system, solutions will have to be developed to eradicate the growing pollution problem because the Basin provides most of the seed for oyster production. The workshop resulted in two main recommendations and the EFWC was requested to co-ordinate the actioning of these recommendations. The first was to develop a community based approach to identifying the sources of pollution in the area and develop workable solutions to eliminate these sources. The second was to organize an Oyster Growing Association, which could act in an advocacy role for the Bras d'Or Lakes Industry.

Natural Resource Management Technician Program

The Natural Resource Management Technician Program at the UCCB is a certificate program initiated in 1995 for the Native Fishery Guardians within Cape Breton. The program was designed to train the Guardians in a number of disciplines such as water sampling and testing, computer based management systems, geographic information systems, waste management, forest management, ethnobotany, and water resource management. This program was designed to support the efforts presently taking place to promote stewardship of the land and development of co-management agreements between Native and non-Natives within Cape Breton.

Other Initiatives

The Bras d'Or Watershed Management Working group developed a co-management proposal titled, "Taking Care of the Bras d'Or, A New Approach to Stewardship of the Bras d'Or Watershed". The mandate of the group was to develop a community based management structure which will have a continuing responsibility for guiding and monitoring sustainable development in the Bras d'Or Lakes watershed area. The proposal is based on the principle of co-management under which the responsibility for stewardship is shared among the Native and non-Native residents of the watershed.

Conclusion

Section 35(1) of the *Canadian Constitution Act* of 1982 recognizes and affirms First Nations inherent right to self-government. This inherent right includes jurisdiction over environmental issues and natural resource management on First Nations lands. These resources include soils, forests wildlife, fish and other aquatic organisms, surface water, ground water and air. To facilitate this management process over resources, the Mi'Kmaq people have asserted their

rights by taking initiatives to become pro-active participants in resource management, economic development and environmental management.

Sustainable development is not new to the Mi'Kmaq people; it has been an integral component of their culture since time immemorial and still persists today. The traditional knowledge is based on the knowledge and data generated which is passed on by resource users who have an innate connection of their local environment. This innate connection is based on a holistic approach which views the world as interconnected, not to be viewed in isolation. First Nations' wealth of traditional knowledge and its importance to sustainable development was acknowledged by the Bruntland Report at the World Commission on Environment and Development in 1987. It is important to note that traditional knowledge is both cumulative and dynamic and thus permits the experience of earlier generations to adapt to new technological and socioeconomic changes while simultaneously maintaining their culture, traditions and identity. A mechanism is needed to allow for the integration of traditional knowledge of First Nations within DIAND's sustainable developmental strategy. The strategy must include traditional knowledge in all of the elements within the concept of sustainable development, especially in natural resources, economic development and the environment. The integration will be a process that will strengthen First Nations' capacity to develop co-management agreements with non-Native governments and organizations. A mechanism that allows the recognition and integration of traditional knowledge would be an incremental step towards self-government of the First Nations peoples.

Recommendations

In light of the above information and the stated objectives that have been undertaken in the Mi'kmaw community, it is obvious that a pro-active approach towards sustainable development already exists in the Mi'kmaw community. Sustainable development for the Mi'kmaq of Nova Scotia must therefore be reviewed.

- Evidently, there are processes that exist in all regions that can be accessed for the discussion and the resolution of sustainable development such would be the Mi'kmaq-Nova Scotia - Canada Tripartite Process.
- Mi'kmaq culture, identity, language and Traditional Knowledge must be recognized, supported and included in the SDS. Therefore, a two flow process based on community input has to occur.
- Mi'kmaw people must be the ones to initiate the lead role in sustainable development in a non-paternalistic approach towards a sustainable developmental strategy. A Mi'kmaq holistic approach includes traditional knowledge in all of the elements within the concept of sustainable development especially in natural resources, economic development, environment, land management and development.
- Aboriginal Treaty Rights must be recognized, preserved and implemented within a SDS.
- Federal and Provincial fiduciary rights and obligations must be preserved and implemented within the SDS.
- DIAND's SDS must ensure accountability and transparency to the First Nations. When discussing accountability, this would mean that any SDS, be it the development of policy or

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a finished end result, has to be a reflection of the Mi'kmaw community's needs and aspirations. They themselves must possess a complete understanding of the concept of sustainable development and the implications of the surrounding policies.

- An alternative mechanism for outstanding land base and property issues must be a priority, for without proper land resource, DIAND's SDS will not become a reality.

Appendix D Proposed Mi'kmaq and Maliseet SDS – Recognizing And Strengthening The Role Of Mi'kmaq/Maliseet Peoples And Their Communities

Basis for Action

- 1.1 Mi'kmaq/Maliseet peoples and their communities have an historical relationship with their lands and are the original inhabitants of such lands. In this context the term "lands" is understood to include the environment of the areas which the people concerned traditionally occupy. They have developed over many generations a holistic traditional scientific knowledge of their lands, natural resources and environment. Mi'kmaq/Maliseet peoples and their communities shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. Their ability to participate fully in sustainable development practices on their lands has tended to be limited as a result of factors of an economic, social and historical nature. In view of the inter-relationship between the natural environment and its sustainable development and the cultural, social, economic and physical well-being of Mi'kmaq/Maliseet peoples, national and international efforts to implement environmentally sound and sustainable development should recognize, accommodate, promote and strengthen the role of Mi'kmaq/Maliseet peoples and their communities.
- 1.2 Some of the goals inherent in the objectives and activities of this program area are already contained in such international legal instruments as the ILO Indigenous and Tribal Peoples Convention (No. 169) and are being incorporated into the draft universal declaration on Indigenous rights, being prepared by the United Nations working group on Indigenous populations.

Objectives:

- 1.3 In full partnership with Mi'kmaq/Maliseet peoples and their communities, governments and (where appropriate) intergovernmental organizations should aim at fulfilling the following objectives:
 - (a) Establishment of a process to empower Mi'kmaq/Maliseet peoples and their communities through measures that include:
 - (i) Adoption or strengthening of appropriate policies and/or legal instruments at the national level;
 - (ii) Recognition that the lands of Mi'kmaq/Maliseet peoples and their communities should be protected from activities that are environmentally unsound or that the Mi'kmaq/Maliseet peoples concerned consider to be socially and culturally inappropriate;
 - (iii) Recognition of their values, traditional knowledge and resource management practices with a view to promoting environmentally sound and sustainable development;
 - (iv) Recognition that traditional and direct dependence on renewable resources and ecosystems, including sustainable harvesting, continues to be essential to the

cultural, economic and physical well-being of Mi'kmaq/Maliseet peoples and their communities;

- (v) Development and strengthening of national dispute-resolution arrangements in relation to settlement of land and resource-management concerns;
 - (vi) Support for alternative environmentally sound means of production to ensure a range of choices on how to improve their quality of life so that they effectively participate in sustainable development; and
 - (vii) Enhancement of capacity-building for Indigenous communities, based on the adaptation and exchange of traditional experience, knowledge and resource-management practices, to ensure their sustainable development.
- (b) Establishment, where appropriate, of arrangements to strengthen the active participation of Mi'kmaq/Maliseet peoples and their communities in the national formulation of policies, laws and programs relating to resource management and other development processes that may affect them, and their initiation of proposals for such policies and programs.
- (c) Involvement of Mi'kmaq/Maliseet peoples and their communities at the national and local levels in resource management and conservation strategies and other relevant programs established to support and review SDSs, such as those suggested in other program areas of Agenda 21.

Activities

- 1.4 Mi'kmaq/Maliseet peoples and their communities require greater control over their lands, self-management of their resources, participation in development decisions affecting them, including, where appropriate, participation in the establishment or management of protected areas. The following are some of the specific measures which governments could take:
- (a) Consider the ratification and application of existing international conventions relevant to Mi'kmaq/Maliseet peoples and their communities (where not yet done) and provide support for the adoption by the General Assembly of a Declaration on Indigenous Rights;
 - (b) Adopt or strengthen appropriate policies and/or legal instruments that will protect Indigenous intellectual and cultural property and the right to preserve customary and administrative systems and practices.
- 1.5 United Nations organizations and other international development and finance organizations and governments should, drawing on the active participation of Mi'kmaq/Maliseet peoples and their communities, as appropriate, take the following measures, inter alia, to incorporate their values, views and knowledge, including the unique contribution of Indigenous women, in resource management and other policies and programs that may affect them:
- (a) Appoint a special focal point within each international organization, and organize annual inter-organizational co-ordination meetings in consultation with governments and

Indigenous organizations, as appropriate, and develop a procedure within and between operational agencies for assisting governments in ensuring the coherent and co-ordinated incorporation of the views of Mi'kmaq/Maliseet people in the design and implementation of policies and programs. Under this procedure, Mi'kmaq/Maliseet peoples and their communities should be informed and consulted and allowed to participate in national decision-making, in particular regarding regional and international co-operative efforts. In addition, these policies and programs should take fully into account strategies based on local Indigenous initiatives;

- (b) Provide technical and financial assistance for capacity-building programs to support the sustainable self-development of Mi'kmaq/Maliseet peoples and their communities;
 - (c) Strengthen research and education programs aimed at:
 - (i) Achieving a better understanding of Mi'kmaq/Maliseet people's knowledge and management experience related to the environment, and applying this to contemporary development challenges; and
 - (ii) Increasing the efficiency of Mi'kmaq/Maliseet people's resource management systems, for example, by promoting the adaptation and dissemination of suitable technological innovations.
 - (d) Contribute to the endeavours of Mi'kmaq/Maliseet peoples and their communities in resource management and conservation strategies and other program areas of Agenda 21, including programs to collect, analyse and use data and other information in support of sustainable development projects.
- 1.6 Governments, in full partnership with Mi'kmaq/Maliseet peoples and their communities should:
- (a) Develop or strengthen national arrangements to consult with Mi'kmaq/Maliseet people and their communities with a view to reflecting their needs and incorporating their values and tradition and other knowledge and practices in national policies and programs in the field of natural resource management and conservation and other development programs affecting them; and
 - (b) Co-operate at the regional level, where appropriate, to address common Indigenous issues with a view to recognizing and strengthening their participation in sustainable development.

Appendix E Environmental Inventory Environmental Issues Inventory and Remediation Plan

DIAND jointly with First Nation communities, Tribal Councils and First Nation Organizations implemented the Environmental Issues Inventory and Remediation Plan (EIIRP) on all reserves across Canada in 1992. This five year multi-phased initiative sought to identify and document environmental problems on First Nation communities. The EIIRP was implemented in order to:

1. Enable DIAND to determine the location and severity of contaminated sites and, where necessary, remediate (i.e., clean-up) those which may pose a risk to health and safety;
2. Help the department meet its legal obligations under the *Canadian Environmental Protection Act* and *Fisheries Act* and other applicable federal and provincial legislation; and
3. Prevent the occurrence of future environmental problems.

The EIIRP sought to respond to a wide range of environmental issues that were thought to exist on reserves such as hydrocarbon contamination, illegal dumping, chemical spills, illegal storage of hazardous materials, contaminated water, etc. The EIIRP has addressed high priority (high risk) contaminated sites in the Atlantic Region and has improved the situation of environmental risks to health and safety. The EIIRP, using the Canadian Council of Ministers of the Environment (CCME) National Guidelines for Decommissioning Industrial Sites, has been conducted in four phases. These are as follows:

Phase I This phase began in 1992 and consisted of the preparation of environmental profiles of each inhabited reserve based on examination of all available records, interviews with Chiefs and Councils in the Atlantic Region and where possible, conducting site visits.

Phase II Conducting initial soil and water sampling on sites which were believed to be a health and safety concerns. This work was completed by Consultants under the guidance and management of Band Officials. The main purpose of Phase II is to identify if contamination exists on the site.

Phase III Conducting in-depth sampling of sites which were identified in Phase II to be contaminated. This phase's main purpose is to determine the extent and magnitude of contamination, determine the risk of contamination to the community, and identify remedial options and provide cost estimates for clean-up.

Phase IV Conduct remediation to remove the threat of contamination to the community.

The EIIRP sunsetted in March 1997 but has been given a one year extension. During that time, remediation of sites which are a health and safety concern to First Nation communities will be undertaken.

It is possible that some sites which have been assessed do not require remediation. In the Atlantic Region most high priority sites stem from spills of hydrocarbons (petroleum products.) Hydrocarbons which do not pose an immediate health and safety risk can be more passively

managed. This managed site approach involves sampling over a long period of time to monitor if levels of contamination are increasing or decreasing, if the contaminant is migrating and in what direction, and what the migration rate is. Because hydrocarbons naturally break down over time, (i.e., natural biodegradation) it may be possible to let Mother Nature clean the site providing that the contamination will not cause any negative health or safety implications to the First Nation community or have a negative impact on the environment.

Attached, is a summary of all issues identified and work completed under the EIIRP, in the Atlantic Region from 1992 to March 1997.

Appendix E: Environmental Issues Inventory - Atlantic Region

First Nation	Site Name	Phase I	Phase II	Phase III	Phase IV	Comments
Abegweit	N/A					No issues identified
Acadia	Saulnier Bros.	X			X	Former junk yard had possible contamination. All cars and top soil removed.
Annapolis Valley	N/A					No issues identified
Bear River	Waste Site	X				This site was used for disposing of old lumber and other construction debris.
Bear River	N.S. Power Road					Nova Scotia Power access road adjacent to the reserve has been used to dispose of old vehicles and parts.
Big Cove	Community UST	X	X	X		Hydrocarbon contamination from an underground storage tank at the Community Hall.
Big Cove	Former Big Cove Landfill	X				The site is inactive and is covered and seeded. It is currently used as a rifle range.
Buctouche	Residential Oil Pits	X				Two homes have pits which have been used to dispose of waste oil. The sites are no longer in use.
Burnt Church	Burnt Church Dump	X				Illegal dumping of domestic garbage has been dumped near the main road. The site is now covered with soil.

Burnt Church	Body Shop	X				An old body shop which used to have old car bodies. Possible soil contamination present.
Burnt Church	Waste Site	X				Illegal dumping of domestic waste and hydrocarbon contaminated soil north side of old bridge.
Annapolis Valley	N/A					No issues identified
Madawaska Maliseet First Nation	Canadian National Railways Contamination	X	X	X		Canadian National Railways lands adjacent to the Madawaska Maliseet Reserve where once used as a bulk station for hydrocarbon product. The lands have since become contaminated and the contaminant plume has migrated onto Reserve Lands.
Madawaska Maliseet First Nation	Fraser Pipeline	X		X	X	The Fraser Pipeline is located adjacent to the Reserve Lands. Spills in the past have raised concern of possible contamination of the Reserve. The pipeline is now buried.
Eel Ground	Shale Pit Dumpsite	X		X		This site was once a shale pit but is now used to dump domestic garbage and construction debris. The site is also causing siltation into McKay Brook.
Eel Ground	Eel Ground Landfill	X		X		This site was once used for a landfill for the Eel Ground Community.
Eel River	N/A					No issues identified
Eskasoni	Mountain Road Landfill	X	X	X	X	The Mountain Road Landfill is an illegal dumping site which receives approximately 25% of all domestic waste from the Eskasoni First Nation.

Eskasoni	Crane Cove Landfill	X					The Crane Cove Landfill was in use prior to the Mountain Road Landfill. The area has been covered.
Eskasoni	Abomoweg Building	X	X	X			Hydrocarbon contaminated soil was encountered during a water line installation.
Eskasoni	Fina Station	X	X	X		X	Tanks could still be present.
Fort Folly	N/A						No issues identified
Horton	N/A						No issues identified
Indian Island	N/A						No issues identified
Kingsclear	Chapel Road Dump	X	X	X	X		An illegal landfill which is located next to a brook is being used by both the Kingsclear First Nation and surrounding communities.
Kingsclear	Old Service Station	X	X	X	X		A former service station adjacent to the reserve has hydrocarbon contamination in the soil and groundwater.
Lennox Island	Residential Underground Storage Tanks	X	X	X		X	Six underground storage tanks are located at various locations.
Membertou	Caribou Marsh	X	X	X	X		The Caribou Marsh Reserve has hydrocarbon and salt contamination in the soil and groundwater.
Membertou	Lingan Property	X	X	X			The Lingan property is located adjacent an old National Defence Base. Possible contamination present.

Millbrook	Former Rifle Range					A former rifle range used by the Department of National Defence is located on the Millbrook Reserve.
Millbrook	McClure's Brook	X	X			The old Truro Landfill maybe impacting on the McClure's Brook.
Oromocto	CFB Gagetown	X	X	X		Contamination associated with CFB Gagetown activities is currently being investigated.
Pabineau	N/A					No issues identified
Pictou Landing	Boat Harbour	X	X	X	X	The Pictou Landing First Nation and DIAND will jointly address concerns associated with the Boat Harbour Treatment Facility and will continue to investigate possible health and safety concerns.
Red Bank	Charlie Wilson's Garage	X	X		X	Contaminated soil was discovered during the removal of three underground storage tanks. Now a parking lot.
Red Bank	McKibbon's Store					Possible underground storage tank.
Saint Mary's	Dunphy Property	X	X	X	X	A former service station was located adjacent to the reserve.
Shubenacadie	Dump Site	X	X			The Shubenacadie Dump is no longer in use and is close to the water supply.
Tobique	Landfills	X	X			There are three landfills located on the Reserve.
Tobique	Former Texaco	X	X			This site was once a former Texaco.

ATLANTIC REGION

Wagmatcook	Underground Storage Tank- Band Office	X	X	X	X	X	Hydrocarbon contamination from a below ground storage tank.
Whycocomagh	N / A						No issues identified
Woodstock	Water Contamination						Contamination from a Dairy Farm is rendering some well water undrinkable.
Conne River	Landfill Site	X	X	X			An active landfill site is located off-reserve.

Sustainable Development Strategy for The First Nations of Québec and Labrador

November 1997

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Warning To Reader

The Masculine is generally used in the text for the generic terms being applied at the same time to men and women. This convention is used in order not to make the text cumbersome.

*Presentation Of The Technical Working Group Members On Sustainable Development
Strategy For The First Nations Of Québec And Labrador*

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Presentation of Document

When recently modifying the *Bill on the Auditor General*, the Government of Canada submitted each of its departments to the legal obligation of developing a sustainable development strategy before December 31, 1997.

That is why, at the end of 1996, the Department of Indian Affairs and Northern Development (DIAND) has set in motion a national consultation process on sustainable development with the First Nations and the Inuit of Canada. In the case of the Québec Region, the Assembly of the First Nations of Québec and Labrador (AFNQL) decided, at a meeting held on January 16 and 17, 1997, to take over the process of DIAND's Sustainable Development Strategy to define its own Sustainable Development Strategy. This will was ratified by its political authority, the Chiefs Assembly, in its February 20, 1997 Resolution (see appendix 11.1) considering that the concepts and the bases of sustainable development are largely inspired by the Natives' ways of life.

The present document constitutes the Sustainable Development Strategy of the First Nations of Québec and Labrador which was adopted by the AFNQL's Chiefs Assembly during its meeting of November 11, 12 and 13, 1997. It is imperative that the Government of Canada takes this into account when administering and in the formulation of laws, policies and programs intended for the First Nations of Québec and Labrador. In a spirit of partnership, based on the mutual consent of the parties and the establishment of a lasting relationship, DIAND and the First Nations of Québec and Labrador agree to define together the mechanisms for decision making, their authorities, their responsibilities and their respective limits in order to implement the Sustainable Development Strategy of the First Nations of Québec and Labrador.

This Sustainable Development Strategy is without prejudice to the fundamental and treaty rights of the First Nations of Québec and Labrador such as those recognized in the *James Bay and Northern Québec Agreement*. It is also without prejudice to the fundamental rights of the First Nations of Québec and Labrador and of their Tribal Councils engaged in a process of territorial and comprehensive negotiation.

Foreword From Mr. Ghislain Picard

The appropriation of the Sustainable Development Strategy process from DIAND by the First Nations of Québec and Labrador leadership confirms our political will to engage in a process where our Nations and Peoples' autonomy, together with the respect and affirmation for our aboriginal and territorial rights, are our own responsibility.

Of course, we are open to share our millenary knowledge of protection and smart management of the territory and its resources. Our cultures, our languages and our ways of life constitute the proof of their durability and their application in what we agree to call today sustainable development.

True to our traditions, we are open to share this territory and its resources. Nevertheless, we will agree on new and more equitable management regulations for the territory and the distribution of wealth. The future of our Nations and Peoples is indissociable of our sacred, innermost and spiritual ties with the territory.

Consequently, we are firmly committed to an irreversible process that will bring us to restore the equality of our relations.

It is not a question of placing the First Nations of Québec and Labrador above the canadian population, but this is the end of being legally below. I refer here to the fiduciary responsibility and guardianship of the federal government, responsible for the application of the *Indian Act*. The First Nations of Québec and Labrador are absolutely prepared to reverse this process and to form Nations and Peoples that are proud, valorized and independent on the cultural, social, economic and political levels. But it is evident that the economic independence of any Nation and People passes first through the recognition of its rights, of its territory and its resources. By having access to the territory and its resources, we will be able to be independent on the economic level, and as a result, on the cultural, social and political levels. We will thus exercise our inherent right to self-government.

We have the human capital and the brains to succeed. Half of our population is less than eighteen years old. We have the appropriate knowledge to develop with respect to ecosystems, the quality of the environment and the future generations. Furthermore, our first role is to ensure the preservation of the quality of our Mother Earth and the everlastingness of its resources for our future generations' needs.

Even if today, we are turned towards modernity since our material and cultural survival depends on it, we always belong to the territory. We recognize in the concept of sustainable development a step towards a management of the territory which is compatible with our traditional values, but we must be partners in this development.

So we challenge the Government of Canada to put in concrete form its objective and its role of partnership with the First Nations. We have taken the initiative to define and confirm certain parameters in our relationship with governments.

The pride and dignity of our Nations and Peoples will guide our relations with the other Nations and Peoples. The high number of our youths, together with our crying problems in the

fields of health, education, economy, social and cultural, finally in all fields of the general society, compel us to work harder if we wish to reach a quality of life at least equal to that of other Canadians in a country that calls itself the world champion for its quality of life. We are under the impression that we cannot find ourselves in our own country.

It is with this perspective in mind that we have developed our Sustainable Development Strategy and it is also with this perspective in mind that the Government must consider it.

Ghislain Picard, Regional Vice-Chief
Assembly of the First Nations of Québec and Labrador

Summary

Foreword

The document on the Sustainable Development Strategy for the First Nations of Québec and Labrador was prepared by a Work Group from the Assembly of the First Nations of Québec and Labrador (AFNQL) and adopted by its Chiefs Assembly on November 12, 1997. It follows a recent amendment to the Law on the Auditor General which compels each federal Department to develop a strategy in that sense.

The AFNQL decided to take over the process and to define its own strategy concerning sustainable development that is understood as a research in the preservation of the quality of the territory. The Regional Vice-Chief, Mr. Ghislain Picard, states specifically in the document that this initiative is in meaning with a process of autonomy for the Native Nations and Peoples, and of respect for their aboriginal, treaty, territorial and other rights.

Introduction

As an introduction to the document and in a brief historical outline, one recalls the importance of the role played for millenaries by the Native Nations and Peoples as regards the protection of the territory and the balance of the ecosystems, and also their sovereignty and the intimate belonging concerning the territory¹ and its resources. One also recalls the dispossession they have suffered for the last century and a half by the colonial authorities of the country and the third parties, and one ends by emphasizing that the Native Nations and Peoples are a reality that is there to stay in the building of the country.

An important political concern conditions the situation, that is the possible confrontation of the territorial integrities of each party and the eventual process for a unilateral sovereignty declaration by the Government of Québec. One encourages the partnership approach and a better distribution of wealth. It is emphasized that the opportunity is good to conclude a settlement of this matter in dispute on the basis of the stated principles by the *Royal Commission on Aboriginal Peoples*, being the recognition and mutual respect, the responsibility and also the sharing. To this we must add the principle of imputability to our Nations and our Peoples.

One identifies the main Native values relating to sustainable development which encourage the balance between the environmental, social and economic needs and requirements at the base of development projects.

¹ The territory: Includes all the First Nations of Québec and Labrador

Principles of Sustainable Development

Drawing from the work of the United Nations' great Commissions and Conferences on the question, the First Nations'¹ strategy wants to be evolutive and is based on these principles to which we attach the Native principles.

The Stakes of Sustainable Development

Cultures and Languages

The Native cultures are seen herewith in their integration to the whole of the universe; their elements are inter-dependent and they have a life and a spirit. The Native cultures and languages are at the core of the Native identities. They are threatened and measures of protection and promotion are necessary, among others as regards the songs, dances, legends, teachings, works of art, crafts, historical and archeological objects and locations. Geographical locations are marked by Native history, mythology and languages. The Native languages represent a particular approach to the world, an ancestral wisdom, ecological knowledge and ways of life proper to the Natives. The cultures and the languages rooted to the territory are threatened by the destruction of the burial sites, the loss of wildlife habitats, the excessive logging and pollution. The representation and the example of sustainable development consist in protecting the quality of the territory and its uses to ensure the maintenance, the promotion and the everlastingness of the Native cultures and languages which are rich and diversified. Political and legislative means must be exercised by the First Nations to protect cultures and languages, and be recognized by the other governments.

Quality of the Territory and Everlastingness of Resources

Because of the Natives' immemorial ties with the territory which is a source of cultural, social, economic and spiritual revitalization, this stake is of the first order. One must maintain the priority in the exercise of traditional activities, aboriginal, territorial and treaty rights concerning the other sources of sampling and activities for development. We want to be associates and partners in the drafting of laws, policies and programmes and also in the management strategies of the territory and its resources. The promoted approach is one of adaptation to the milieu and of minimal intervention in order to safeguard the ecological integrity of the territory and also partnership with other users in order to improve the methods of layouts and sustainable development. Authentic sustainable development is that which allows the support of Native traditional ways of life. One promotes the training of Native experts in fields related to the management of the territory and its resources. The proposed model is one of optimization, polyvalence, integrated management, productivity maintenance and the components for the biodiversity, the integration of users' needs and the principal role of Natives.

¹First Nations: All the ancestral territories of the First Nations now known as Canada and Québec

Social Development

This question is considered complementary to previous analysis and insofar as the social stakes are directly linked to the culture and the territory. The current context is qualified as difficult. The need to control completely and the holistic fashion of the various facets of the Native real-life experience by negotiation of agreements is the considered solution.

The *Sustainable Development Strategy for the First Nations of Québec and Labrador* challenges the governments of Canada and the provinces so that the laws, policies and programmes meant for the First Nations are applied on the ancestral territory, thus going beyond the limits of the reserves which are non-Native governmental concepts.

Economic Development

Political autonomy must go through financial self-sufficiency and economic development. We must implement means of cultural expression, and also the territory and its resources as an economic foundation. The projects must be adapted to the ecological, social and cultural needs of the First Nations. A more equitable sharing of the repercussions of developments, and also greater participation and control of the development by the Natives are deemed essential. The right to self-determination is directly linked to the territory. Training programmes, the elimination of pressures of the *Indian Act*, the recognition of the Native territory and the territorial settlement based on partnership are necessary.

The Necessity of Partnership

Natives look for a harmonious and peaceful coexistence with the balance of the Canadian population. The Native consent is required before any development on the territory. They must be able to intervene uphill of plannings and from the development projects' design. Partnership means a lasting trust relationship, from government to government, equal to equal. Sustainable development must be born of the meeting of two value systems, that of the modern society and that of the ancestors.

Participation to the Process of Decision Making

The recovery of the Native powers and obligations on the territory and its resources are an essential condition for sustainable development and Canada must no longer act unilaterally on behalf of the First Nations. The *Indian Act* will be maintained and also the fiduciary obligation of the federal government, but the paternalistic attitudes must disappear. Any law, policy, programme or decision must receive the approval of the First Nations. Any project must be the subject of an agreement with the First Nations concerned. The decision requests must be with parity of representation and in equal authority in a claimed territory; a veto will be recognized to the First Nations if the project is located on a sacred, patrimonial, historical site or which is important for the Native spirituality. The mechanisms foreseen in the treaties will apply. In all other cases, mediation, arbitration or appeal mechanisms on the decisions will be anticipated. One of the aims is to reduce stereotypes, prejudices and erroneous perceptions.

Sustainable Development Institution

Several Native traditional institutions have been crippled because of the dispossession and the trust relationship of the *Indian Act*. For the last few years, more autonomy is possible for the Native Nations and Peoples, but the recognition of Nations and Peoples is not yet acquired. The First Nations express their will to take on the structuring of their own institutions and to develop their own solutions to social, economic and political problems. We must come to an understanding on the principle of mutual recognition, to the effect that the First Nations are the first inhabitants and the guardians of this country's lands, and that gives them special rights with all the skills and responsibilities that are concerned. It is proposed to establish a proper Native institution for sustainable development funded by the government of Canada. The institution will allow to ensure the implementation of the strategy.

The General Objectives

In this chapter, but in the form of objectives, one takes over about all the content of the preceding chapter bearing on the stakes. One confirms a clear will that the First Nations equip themselves with powers as important as those of the governments of Canada and the provinces to develop and implement laws, policies and programmes regarding cultures and languages, the protection of the quality of the territory and the everlastingness of the resources and social and economic development. One wishes, in the same manner, to participate to all decision making processes, to the planning and management strategies at the national and provincial levels. It is a question of integrating in all the legislative and decision making mechanisms the Native values, concepts and knowledge, and to have known the exemplary of the Native millenary experience in the definition and the application of the sustainable development concept.

One wishes, among others, the recognition of Native cultures and languages as a Canadian and Humanity heritage and also their emphasis, their protection and their development.

One insists in promoting the traditional use of the territory, of its resources and of its ecosystems, and its protection against developments that are not ecologically rational or culturally and socially appropriate. More appropriate technologies and the reinforcing of the Native expertise in view of perpetuating the ability of adaptation to the milieu and the participation in management practices must be valorized. In short, one must develop management models that integrate the Native traditional economies' principles to the theories on lasting management of the resources.

As regards social development, we must reestablish equity between the Native and non-Native populations concerning the important socio-economic indicators as regards health, education and access to a quality of life.

Several reinforcing measures for programmes, structures, popular participation and co-ordination are identified as objectives to look forward to for the First Nations.

Cohabitation goes through the respect and recognition of the First Nations' rights, the latter being actors that are there to stay in sustainable development and we must eliminate any marginalization strategy.

Following the development of the *Sustainable Development Strategy for the First Nations of Québec and Labrador*, one hopes to promote its implementation with the communities, Tribal Councils

and other Native organizations, and with the governments and private organizations. Decision making and identification of everyone's skills mechanisms must be clarified with the *Department of Indian Affairs and Northern Development Canada*. An environmental assessment process belonging in proper to the First Nations must be implemented.

Actions To Be Taken

A list of actions is identified in co-operation with the First Nations and tabled with the government of Canada. This gesture is part of the objective to make progress towards a form of sustainable development for all the Native and non-Native Nations and Peoples who now use and who will benefit later from the territory.

Conclusion

The document ends by recalling that the cornerstone of the *Sustainable Development Strategy for the First Nations of Québec and Labrador* is the recognition of the Native Nations and Peoples' rights and their access to the territory and its resources. We hope it will be a meeting place for the cultures in putting down roots to the territory and that it gives rise to a hope for reconciliation, understanding and tolerance for one and all, and specially for the numerous youth which constitutes a fundamental human capital. We are calling on the political maturity of canadian and Native institutions, and on the courage to implement it.

Introduction

Brief Historical Background

Since their arrival, Europeans who came to establish themselves on this territory needed the Natives who lived in harmony with the environmental resources. They have profited from their knowledge of the ecosystems and the territory, from their hunting and fishing techniques, together with their medicine to survive and they then appropriated them to the territories and imposed incompatible models to the values and the traditional practices.

These newcomers were in the presence of rich cultures in millenary tradition of sensible use of the territory and its resources based on the respect and the gratitude towards nature's benefits. But, because of their religious and commercial greediness, they ignored these cultures they thought primitive. Still, their roots took hold in the wisdom and in the traditional ecological knowledge of which history has proven the efficiency.

It is this wisdom that we have withheld in our traditional practices, in spite of enormous difficulties our Nations and Peoples had to face. Confronted with a devastating civilization who forgot to listen to the voice of the Native, our grand-parents and our parents have nevertheless continued to occupy the territory in order to maintain their ways of life and confirm their spirituel ties with our Mother Earth.

Even so belonging to the territory is not easily applicable as regards the principles and legal rules that govern us, we think it should inspire us at least on the philosophical level. One must understand that belonging to the territory means that the management of ecosystems includes, as regards our cultures, the human beings and their various needs as well as the other elements of biodiversity.

This territory, we belong to it. It is a Native territory. We nevertheless must negotiate on the basis of the western right even if in the Native idea, we belong to the territory and we cohabit in all equality with the species that make it up.

The historical, archeological and toponymic reality affirms that the territory is Native. Piequakan, Chicoutimi, Ashupmushuan, Gaspé, Québec, Ottawa, Maniwaki, Abitibi, Shawinigan, Maskinongé, Yamachiche, Pohénégamook, Rimouski, Cacouna, Wendake, Kanata, Ahuntsic, Toronto are all names of Native locations.

We were and still are organized Nations and Peoples. We were sovereign on this territory and its resources. We had relationships based on respect for the authorities and the equality of our relations.

Within one century and a half, which does not mean much in our millenary existence on this territory, we went from a situation of ownership, administrator and guardian of this territory and its resources to the guardianship of the *Indian Act*, which makes of us individuals of systemic dependence. The territory and its resources are all under the legal control of third parties.

Nevertheless, we have an innermost conviction that this territory and its resources belong to us. We are open to sharing it and we will be as our ancestors have been, sovereign Nations and Peoples whose relationships will be based on the principles of equality, of recognition and of mutual respect, and also of sharing.

These are the traditional values and principles that dictated our behaviours and our ethics with the other Nations and Peoples.

It will still be these values and principles, present in each one of us, that will guide us in the past and still today, our relations with other societies.

Our objectives will remain centred on a relationship of lasting trust with the Canadian population. We are actors who can't get away from the building of this country still on the road of sustainable development.

Political Concerns

The First Nations are in favour of sharing the territory rather than confront the territorial integrities. This kind of confrontation usually brings us, on the geopolitical level, to confrontation, which we must avoid. The territory is the meeting location where harmony should be achieved between beings.

Nevertheless, we cannot keep about the project of a unilateral declaration on the sovereignty of Québec.

Our overtures to sharing the territory and its resources, and also a better redistribution of wealth, brings us to the establishment of a partnership more beneficial to our respective Nations and Peoples.

The confrontation of the Native territorial integrity and the québécois and Canadian territorial integrity, on the political and/or legal levels, may dig a gap of mutual incomprehension and intolerance.

It is for this fundamental reason that this part of the territory (Québec) must be the subject of a settlement with the First Nations before any unilateral declaration of sovereignty, this would only be beneficial to all parties.

To this effect, our Sustainable Development Strategy contains most of the elements that constitute the foundations of the establishment of a new relationship between our respective Nations and Peoples.

The partnership to which we refer and that we define will be the tool confirming our respective political wills to cohabit and coexist in a harmonious and peaceful fashion, with mutual respect and recognition of our respective rights and needs.

We subscribe in that way to the principles stated in the *Royal Commission on Aboriginal Peoples'* Report, that is: mutual respect, recognition and responsibility, and also sharing. Those are principles drawn from Native values to which we add the principle of imputability to our respective Nations and Peoples.

Native Values in Regards to Sustainable Development

To ensure the conservation of the territory's quality and of the everlastingness of resources to respond to the needs of future generations represents a challenge that we very well know, we the First Nations. For thousands of years, we have accepted it, generation after generation, without ever calling into question the will and the ability of our children to use this territory that we share today with the canadian population.

Respect of the balance between the environmental, social and economic needs and requirements are at the foundation of our development projects. The important values that dictate our way of thinking development are as follows:

- Human beings are an integral part of the ecosystems and share with other species the benefits of natural processes;
- Natives perceive the relationships between nature's elements (human and spiritual, cosmic, animal, plant, mineral, ... worlds) in a holistic and egalitarian fashion;
- The territory (Mother Earth) is there for the well-being of all beings;
- Nature is a fundamental source of harmony and healing for all beings;
- Natives belong to the territory and have the responsibility to manage and safekeep it;
- Natives' activities on the territory are ordered by nature (seasons, migration cycles, sunrise and sunset, lunar cycle, ...);
- Respect, sharing and mutual aid are the foundation of solidarity and social harmony;
- Traditional knowledge is transmitted by word of mouth (observations, stories, legends, customs, etc.) and shared by all the members of the community;
- Each person is important to the well-being and the perpetuation of the Native community and its culture;
- Our cultures, our languages, our histories and our territories allow us to maintain our status of distinct Nations and Peoples.

It's in this spirit and with respect for these values that we have drafted our Sustainable Development Strategy. We urge ourselves to go to the sources of our traditional values to achieve harmony between the humans and the territory which is called sustainable development.

Sustainable Development Principles

In the *Brundtland Commission's Report*, sustainable development is defined as follows: "A form of development that responds to the needs of the actual generation while allowing future generations to respond to theirs".

So it must reconcile quality of life and long term prospects. By their millenary occupation of the ecosystems, the First Nations demonstrated that their cultures were answerable for the durability of ecosystems. Nevertheless, ecological, economical, social and cultural conditions have changed and the First Nations are not the only ones occupying the territory and managing its resources. One must search for, in the traditional cultures, the transposable elements that could direct the current and future policies for the use of the territory to ensure the population's quality of life while respecting the everlastingness of resources.

"Sustainable development must be understood as a development at the same time tolerable, for the individuals, the communities and the ecosystems in which they live, and viable in the sense that it be self-sufficient on the long term."¹

It expresses the awareness of the growth and economic development's limits in their actual form and the risks, not only at the level of our local and regional interventions, but also at the country's and planetary's levels.

Sustainable development can only be a permanent adaptation of the economic system to the limits set by ecological requirements.

The Rio Conference, event which marked the 5th anniversary of the United Nations' Conference on the Environment and the Development (UNCED), has put the emphasis on environmental stakes and on the necessity for an international collaboration to support sustainable development. The international support brought to *Action 21* represents without any doubt one of the great realizations of UNCED. *Action 21* is a programme of action on environmental stakes and development which takes up 40 Chapters and 800 pages of documentation. It represents the global action plan in this field.

In Chapter 26 of *Action 21* titled: "Recognition and Strengthening of the role of the Native Populations and of their Communities", the governments are encouraged to make some efforts for a sustainable development that recognizes, integrates, promotes and strengthens the role of these populations and of their communities. Three main objectives are mentioned. First, the governments, in cooperation with the Native Peoples and their communities, should create a process likely to give means of action to the Native populations. Secondly, governments should make arrangements to strengthen the active participation of the Native populations and of their communities in the formulation, at the national level, of policies, laws and programmes relating to the management of resources and other development methods that may affect them. Thirdly, Chapter 26 of *Action 21* advocates that the Native Peoples and their communities participate, at the national and local echelons, in the management and conservation of resources' strategies

¹ Villeneuve, Claude. Ekolac Consultants

and also in other appropriate programmes of support and follow-up of strategies for sustainable development.

For the First Nations, this means that the Government of Canada must supply human, funding, technical and material resources in order to respond to the flagrant needs of the Native communities as regards sustainable development.

Having developed for generations a traditional and holistic knowledge of the territory, the natural resources and the environment, the First Nations have the ability to fully participate in sustainable development practices.

There is a close bond between the quality of the territory, its sustainable development and the cultural, social and economic well-being of the First Nations. In that sense, a sustainable development strategy must recognize, integrate, promote and strengthen the role of the First Nations in strategies of management and conservation of the territory and its resources.

In 1994, Federico Mayor, Director General of Unesco, emphasized the following facts: "The Native Peoples of the world possess a profound knowledge of their environment based on centuries of cohabitation with nature. Living within complex ecosystems and getting their subsistence from this wealth and this complexity, they have developed an understanding of the specific characteristics of plants and animals, ecosystems' operations and also techniques often detailed allowing their use and their development. In the rural communities of developing countries, indigenous species provide food, medicines, fuels and construction materials, often on an autarkic basis. Also, environment knowledge and representation and the relation they keep with the various components of the milieu are an important component of the cultural identity of the Native Nations."

It concerns the philosophy and the spirit on which our declaration of principles is based: "We, First Nations, live and use, for our diet and our spiritual and material well-being, the ecosystems of this part of the territory now called Québec and Labrador. We have been managing this territory for millenaries. Our ancestors adapted themselves to the conditions of this milieu and modeled their traditional activities with the natural resources' cycles in these ecosystems. Now, we must adapt ourselves to the present situation. Our oral cultures reflect the values given by our peoples to the components of the natural milieu on which we depended for our survival."

We recognize that:

- The human being is indissociable from the other components of the biosphere;
- In our traditional cultures and practices are found principles and values than can be adapted to the modern notion of sustainable development;
- Our view of natural resources, although different from that of the canadian population, must be associated with the prospect of sustainable development;
- We are open to sharing our millenary knowledge and experience on the territory;
- The development of renewable natural resources can be done only with respect for the constraints of the disturbance in their renewal rate for the well-being of future generations;

- The development of non-renewable natural resources must be done with respect for the renewal mechanisms of the other resources;
- The use of chemical control substances goes against the traditional principle for a healthy management of ecosystems;
- All form of development of natural resources in Native territory must be done in partnership with us and generate, for the members of the communities using these territories, improvements in their quality of life while respecting their cultural specificities and without limiting their right to pursue their traditional activities. The partnership to be based on mutual consent and a sustainable trust relationship;
- The quality of the territory and of its uses are fundamental elements ensuring the maintenance, the promotion and the everlastingness of our cultures and our languages;
- The indissociable bond there is between our sustainable development stakes are: the maintenance, the promotion and the everlastingness of our cultures and our languages, the preservation of the quality of the territory, the everlastingness of resources, the social development, the economic development, the essential partnership, the participation to the mechanisms of decision making processes and the final decision, and also our sustainable development institution, constitutes in itself a sustainable development principle.

Consequently, we give ourselves this Sustainable Development Strategy, which will be in continuous evolution as our ways of life have been for thousands of years. The Government of Canada must respect it and recognize the Native expertise as regards sustainable development.

Sustainable Development Stakes

Cultures and Languages

Our cultures are centred on the order of things in the universe. They are influenced by nature and guided by a philosophy that gives life and spirit to all elements in the universe (human and spirituel, cosmic, animal, plant, mineral worlds,...). We are convinced that all things have a place and a role of their own, and there are always interdependence links.

As we have already expressed in our values as regards sustainable development, we are responsible individually for bringing our contribution to the collective life for the same reason we have the responsibility for the protection and the promotion of our cultures and our languages.

Our concept of the universe symbolically illustrated by the “Sacred Circle of Life” expresses our relation of interdependence with all the beings or elements that make up the universe. The human being belongs to the universe for the same reason the hand belongs to man. Our concept linked with our sharing and mutual aid values, and any other form of solidarity, affirm the imperative necessity to give ourselves powers and means to protect and promote our cultures and our languages, fundamental elements in our ties with the other components of life. Our cultures and our languages are at the heart of our cultural identities.

Our cultures are lively. They respond to the evolution of the human experience. So, they cannot be considered as being mediaeval or static. They are quite alive, they are not lost or dead.

Our traditional beliefs and practices are essential to survive in the modern world. They allow the establishment of an individual and collective identity feeling.

On the other hand, our cultures face the danger of disappearing because of the former policies which did not take into account our languages, our ceremonies, our beliefs and also our traditions, and which even aimed at abolishing them. We must take measures to promote, express, affirm, protect, keep, reestablish and increase our cultures in all their wealth and diversity. Measures of protection and promotion must apply, among others, to songs, dances, legends, teachings, works of art, crafts, hand made objects and historical and archeological locations.

Our cultures are deeply rooted in our Mother Earth. Certain geographical locations are marked with our history and our mythology. Our ancestors’ spirit rests in these locations. We have engraved there our Nations and Peoples, our families’ history,... Our songs and our dances refer to these. Furthermore, we have made the sacred objects that are used for ceremonies with natural resources.

We were expelled from most of these sacred locations. People have taken hold of them and have taken hold of our sacred objects to expose them in museums often out of context and with no respect for the soul. We firmly believe that it would be justified to control and manage ourselves any discovery of human bones and artefacts identified with our cultures, as well as control and manage ourselves any promotion of the cultural expression and Native identity.

So our Nations and Peoples may survive, we must ensure that our cultures and our languages be transmitted from one generation to the other. This is what allows us to maintain and promote our status as distinct Nations and Peoples. Particular efforts must be made regarding our languages. In fact, our languages are fundamental in the transmission of our values from one generation to the other, in the interpretation of the collective experience and in our relationship with nature's elements.

The French and English languages have enriched their vocabulary with hundreds and hundreds of words coming from our languages. Furthermore, canadian geography draws on our use and occupation of the hydrographic network we have named and travelled through for thousands of years. The notion of Upper and Lower Canada is an example of this.

Our languages were threatened with the advent of the Indian residential schools and the compulsory school attendance in the French and English languages. We are actually seeing everywhere in the world the decline of minority languages facing the languages of the dominant culture. We must protect our languages since they represent our particular concept of the world, our ancestral wisdom, our ecological knowledge and our ways of life. They are fundamental to our cultural, social, economic and political development.

Our cultures and our languages whose essence is deeply rooted in the territory are threatened by the destruction of our burial grounds, by the loss of wildlife habitat, by excessive wood cutting and by pollution. We must protect the spiritual tie we have with Mother Earth. The preservation of our cultural geography¹ will allow us to reinforce this bond. In fact, one of the principles of sustainable development is that the quality of the territory and its uses are fundamental elements that ensure the maintenance, the promotion and the everlastingness of our cultures and our languages. Even more, the survival as centuries go by, the maintenance and the promotion of our cultures and our languages are good examples of sustainable development.

In this spirit, the First Nations must have the legislative capability to protect and promote their cultures and languages. The federal and provincial governments must recognize our cultural identities through laws. It's time to go passed political and cultural courtesy and politeness manifestations towards the First Nations. We must recognize mutually our own cultural differences and identities.

Our cultures and our languages must then be protected and promoted by our political leadership. Any external control or manifestation lead to the denial of said cultures and languages. Even worse, it leads us directly to assimilation for the profit of a dominant culture.

The actual context forces us to take political and legislative measures for the protection and promotion of our cultures and our languages. Our status as distinct Nations and Peoples are fundamental to our political expression. They affirm our rights. They are also directly related to the protection and the promotion of our cultures and our languages.

We do not want to be either repetitive, nor redundant, even if it seems so. We rather insist on the fundamental importance that we give ourselves powers and authorities relating to the

¹Refers to directions for traditional use, occupation and designation of territory by the First Nations.

protection and the promotion of our cultures and our languages. Our cultural identities must be recognized by the federal and provincial governments.

Quality of Territory and Everlastingness of Resources

The traditional bond with the territory is a first class stake, as well as it relates to sustainable development as to the cultural, social, economic and spiritual revitalization of the First Nations.

The preservation of the territory's quality and the everlastingness of its resources constitute the base of the First Nations' ways of life and thus becomes an essential component of sustainable development.

It is of the utmost importance that the territory continues to allow the practice of our traditional activities. The maintenance and the promotion of our cultures and our languages are directly linked to the preservation of the territory's quality and resources.

Our smart management practices for the territory and its resources must become the object of recognition by the scientific milieu.

The exercise of our aboriginal, territorial and treaty rights, and our way of transmitting knowledge are intimately linked to the preservation of the territory's quality and the everlastingness of its resources.

Our preponderant rights of wildlife taking must take precedence over the taking of renewable and non-renewable natural resources. From this perspective, the First Nations must be associated and considered as partners (in the sense we are defining) in the formulation of laws, policies and programmes, and also in the development of conservation and management strategies for the territory and its resources. To ignore this fact will be interpreted as the denial of our rights though recognized by the highest court of the country, the Supreme Court of Canada.

Our rights to food supplies and subsistence are of consequence to the practice of our traditional activities and are also closely linked to the qualitative preservation of the territory and its resources. Of course, we will continue to manage this territory and its resources while respecting the spirit of all the beings living on it.

Our intimate link which ties us to the ecological integrity of the territory and our mode of adaptation to the milieu prove to be concepts of minimal intervention. We consider that respect for our needs and our methods of management are sustainable development. Inversely, development of the territory can be lasting only if it allows to support our traditional ways of life. The latter are forms of human occupation that could have continued without any major change in the environment during another thousands of years.

The world is unfortunately not what it was. The Natives are not alone to manage ecosystems. Modern means of transport have given access to the territory to a whole army of townspeople who want to take advantage of its resources. The growth of the economy and the increased mechanization of operations have jeopardized what allowed us to live on the territory. As an example, the dams and water pollution have disrupted our environment.

But no one can rewrite history. Rather we must draw on our traditional values to avoid making still more mistakes and maybe we will be able to correct certain mistakes of the past.

In that sense, the strengthening of this link with the territory is an essential pre-requisite to assume our managing and guardian role and ensure a transfer of knowledge able to direct and supervise sustainable development of the territory.

So we must manage a double task in the sustainable development application. The first task consists of ensuring respect for our ecosystems and balanced methods of use. The second task aims at working in partnership with the other users of the territory to improve the methods of planning and sustainable development. So, it becomes important to agree to the efforts allowing the use of our knowledge of the territory. We will then ensure for ourselves its sustainable development and the protection of our First Nations. We must encourage the training of Native experts in environment and management of the territory and its resources so that they can take the leadership of sustainable development of the territory with the other partners users.

The partners must consider, for the preservation and management of the territory and its resources, the following elements:

- the methods of production of resources (optimize versus maximize);
- the polyvalency of the territory (inclusion, valuation, hierarchy of needs);
- the integrated planning of resources and the improvement and/or the maintenance of habitat productivity;
- the Natives and other users' needs in all the installation processes of the territory and emphasis on resources;
- the maintenance of components characterizing the territory including the biodiversity, the integrity of the ecosystems when planning and conducting development activities;
- the role of the First Nations facing the gradual change of our societies, the territory and its resources;
- preservation of the cultural geography of the First Nations.

A fundamental value that we have already expressed is the link between the different stakes. We must all be aware that preservation of the quality of the territory and the everlastingness of resources is at the base of the maintenance and promotion of our cultures and languages, of sustainable economic development and also of the cultural, social and political development of our First Nations.

Partnership and the mechanisms and processes of making decisions with which we will agree will be in vain if the territory and its resources continue to be taken advantage of without the active participation of the First Nations and their millenary knowledge. It goes also for the preservation of the quality of the territory and the assurance of the everlastingness of its resources.

Social Development

The living conditions for a great number of Natives are disturbing. Our health is deficient. Our housing conditions are still deplorable. Our level of education is insufficient. There is poverty and family splitting. Those are situations that jeopardize the future of our children and future generations.

The youth who grow up in our communities cannot find work nor social valorization and are unable to live from our traditional activities. We can no longer tolerate unemployment and chronic welfare situations. In our country, the social, economic, educational, sanitary, variables etc., are below those of the Canadian population.

This situation can no longer be tolerated. It is in great part, if not entirely, a consequence of the establishment of the Reserves by the Government of Canada. The fact of living on reserves has upset our ways of life, our political, social, cultural and community autonomy, and also our economic self-sufficiency on the same level as the arrival of Indian residential schools and the compulsory school attendance in the French and English languages have threatened our cultures and our languages.

We don't want to complain, but we must bring to evidence this historical and actual reality. Too many of our members numb their pain by the abusive overconsumption of drugs, prescription drugs and/or alcohol. Thus, the creation of Reserves and our ways of life more and more attached to these locations that followed have had major social results in our lives.

We believe it is fundamental for the Government of Canada to consider the ancestral territory as a territory of intervention and enforcement of laws, policies and programs intended for the First Nations. It must not be limited by the territorial limits of Reserves. It must also support the First Nations in territorial disputes they must face with the provincial governments and particularly in Québec, considering the threat that hangs over the Native territorial integrity. So, territorial reference is the whole of the ancestral territory.

The Government of Canada must promote the control by the First Nations of territorial jurisdictions when the provinces are present in tripartite discussions or negotiations.

Our ways of life intimately linked to the ancestral territory will allow us to improve our general situation and above all our social situation.

We must also take back the control in the fields of adoption and placing of our children since we have different ways of doing so. Our children placed in foster homes and in non-Native institutions are isolated from the cultural values and from the environment they are familiar with.

We cannot deny our parental and community responsibilities concerning our youth. Otherwise, it would be a subtle way of accepting integration of our youth to other values in society. It is time to affirm our responsibilities in these matters.

The territory and its resources were ours. In a matter of one century and a half, which is not long in the multi-millenary existence of our Peoples, we have gone from a situation of ownership, (according to the contemporary definition, but different with the Natives) of administration and guardianship responsible for the territory and its resources to a situation of

dispossession; from a situation of pride to a situation of shame and psychosocial suffering; from a situation of autonomy and self-sufficiency to a situation of dependence on the state.

We know who we are. We know we belong to our Mother Earth. We know we must tackle, in a holistic fashion, the problems we must face following the negative effects of past domination and assimilation policies. Poverty, bad health, school failure, family violence and other social problems mutually reinforce themselves. If we want to stop this dependence spiral, we must attack face to face, and not one by one, all these elements. As social problems are explained in part by the collective experience, solutions that will allow to resolve them will also have to be collective.

We adhere to the concept of social economy based on an altruistic philosophy. This concept means that all members of the community are asked to contribute, according to their talents, to optimize their quality of life and that of others. Volunteer work is as important as that of the professional and the community recognizes this fact. Any community development, whatever it may be, must contribute to a better balance of the individual and the society at all levels: physical, emotional, intellectual and spiritual. If we manage the territory and the actual and future potential of the territory and its human and environmental resources, nothing will be spoiled, everything will be enriched.

We firmly believe that the negotiation of agreements (treaties, agreements and accords) with the other governments would facilitate the evolution of the situation by resolving the thorny political, administrative and financial problems. The Native communities will progress more rapidly towards the resolution of their social and health problems if they benefit from the support and the cooperation of the other governments.

We wish to improve in a qualitative and lasting fashion our societies and their running. We want healthy, balanced, harmonious and autonomous societies. We want to base the autonomy on the fundamental human rights and on the physical, emotional, intellectual and spiritual well-being of each of us. Communities of healthy and balanced human beings necessarily develop a creative and lasting economy, and also a vision for the future.

Ethics and behaviours of our members in society must be dictated by the Native order. We must systemize and register the oral order that governed us. In this case, we must have a justice system more consistent with the socio-cultural needs, concerns and identities of our Nations and our Peoples.

We must create our justice and public security institutions. We will centre the Native order on the restoration of community harmony as we did previously.

We must avoid becoming shelters and warehouses for the criminal environment. To the contrary, by exercising our own jurisdictions in these matters, we will prove to our members that the best control remains that exercised by the First Nations themselves.

Consequently, we must collectively identify our own problems, find solutions and implement those we retain.

Economic Development

The First Nations must have access to economic development in order to support their self-government. In fact, it is difficult to dissociate financial independence and political autonomy.

Nevertheless, taking into account the similarity between Native values and sustainable development, it is important that the economic development that is to operate within the First Nations and on the territory be consistent with sustainable development and consequently, with the Native fundamental values.

The emphasis on cultural expression (crafts, painting, sculpture,...) and the emphasis on the territory and its resources are the two areas that constitute our economic foundation. Nevertheless, we must not put aside other economic fields of activity.

It is important that we take leadership as regards the emphasis on cultural expression. We must have control of intellectual properties.

The economic development programmes and projects that are intended for us must be adapted to our ecological, social and cultural needs. The definition of these programmes and projects must be under our control, because it is important that our fundamental values guide their development, their planning and their implementation.

Efforts towards this have been made by the Canadian Council of Forestry Ministers (CCFM) as regards all of the forestry activities in Canada. The CCFM, in an economic and social point of view, aims at improving the First Nations' economic situation by creating businesses having a better access to natural resources while preserving traditional activities. To this effect, it is important that the First Nations exercise a power of pre-emption on the emphasis on the territory and its resources.

The equitable sharing of development's repercussions is also an important consideration and remains a social basic value as regards the notion of sharing. This concept touches the access to returns from exploiting resources on the territory and the breakdown of prospects, opportunities and returns from development within the Native communities.

Access to the territory and its resources for the preservation of traditional ways of life and the cultural and social survival of the First Nations is as important as the access to the territory and its resources for means of economic development. We cannot dissociate these two fundamental dimensions for access to economic, social and cultural autonomy. There cannot be exercise of the right to self-determination, consequently, of the inherent right to self-government, if there is no territorial foundation with a quality and quantity of renewable and non-renewable resources. The First Nations must be able to live out of the natural environment by exercising their traditional activities and support their cultures and languages, and their economies. We must promote the development of businesses that are compatible with the planning of the natural environment. The territory must be a guarantee for the survival of our traditional ways of life like our foundation for future modern development.

In some ways this is the environment that must direct the development so that the latter not become a constraint for the strengthening of the traditional bond with the territory, though allowing access to means of production and participation in all stages of economic development.

The implementation of a sustainable development strategy directed towards an increased participation and control of the First Nations over development activities that are taking place on the territory raise the need to acquire technical skills in order to intervene on the basis of our needs' preservation as well as the development's requirements. The training programmes must then allow access to all the skills to assume this responsibility.

There are pressures stopping us from having a solid economic base. They are the pressures of the *Indian Act* and our difficulties to access credit, funding, capital to support investment, and also to the territory and its resources.

Economic self-sufficiency rather than state dependence, and sustainable job creation through the access to the territory and its resources must be short term priorities for the First Nations and the governments.

Under these circumstances, the recognition of the Native territory, since it has been occupied for thousands of years by our First Nations and this long before the arrival of Europeans, and the territorial settlement and management based on partnership are key elements for the economic development of our Nations and Peoples.

Exploitation of the renewable and non-renewable natural resources on our territory by third parties without our participation is unacceptable in a country that is signatory to international Charters relating to the respect of rights and freedoms. It is thus imperative to settle the territorial contentious matter in the prospect that our respective Nations and Peoples may develop themselves economically (politically, socially, culturally) in peaceful and harmonious coexistence, but also in virtue of a more equitable sharing of economic returns from projects and businesses operating in Native territory.

We must also restore historical and actual catching up of this exploitation of renewable and non-renewable natural resources in the territory, and also the economic returns and revenues of this exploitation through compensation.

It is the same for the wildlife resources exploited for sport and commercial ends the same as those coming from the tourist amusements' activities.

Evidently, all these elements must be taken into consideration in our discussions leading to the establishment of a real partnership on this territory.

Necessary Partnership

The First Nations, true to their traditional values of respect, sharing and mutual aid, look for a harmonious and peaceful coexistence with the rest of the canadian population. Coexistence would necessarily take the form of a partnership based on the mutual consent of the parties and on a relationship of lasting trust. This is a priority in our wishes, in the co-management of the territory where we have a sacred, spiritual, innermost and organic bond with our Mother Earth. Also, no development project located in Native territory should be allowed without the consent of the First Nations concerned. It concerns the future of our languages, our cultures, our traditions, our customs, our spirituality and our status as distinct Nations and Peoples.

The fact of establishing a real partnership in which the First Nations are involved upstream of the concept of projects, of the decision making and of the interventions on the territory and

through which they satisfy their needs constitutes the real challenge for those who want to have access to sustainable development.

The partnership implicates first a mutual recognition, Government to Government, equal to equal. This builds on a lasting trust relationship that develops between the partners. Since the respective benefits and interests are taken into account, the partnership allows a better use of each other's strengths, in a measure that serves each one.

The establishment of this relationship in Canada would confirm to the whole world the capability of the canadian population to live in harmony with the First Nations, on a common territory. That would constitute certainly an example of respect of our rights on a continent where these rights have rarely been considered.

It is true that it is not always easy to enter into a dialogue between partners in the emerging situation of the Native political force. Even if our communities respect the principle of harmonious coexistence that calls on our traditional values and principles, bridges are sometimes difficult to build between two cultures whose means of action on the territory are so out of proportion. Our community approach requires consultations and consensus which sometimes require timetables not easily compatible with the imperatives that emphasize productivity to an obsessive degree. Furthermore, our knowledge of the territory are answerable to methods that ignore everything of equations and statistics, and thus forcibly implicates a dialogue with the scientists and technicians.

We do not wish to obstruct development by imposing unacceptable measures in an advanced society. Moreover, we must make it consistent with our fundamental values. We are intervening parties of the first order in the management of the territory and the emphasis put on the resources, and we must make sure of ways to do things that come from our logic and our concepts. Our methods of management of the territory and its resources, our intimate knowledge of ecosystems and the respect we give to their integrity have allowed us to go through the test of time. The test of time being the fundamental subject of sustainable development, we firmly believe that we have an important role to play in education facing the canadian population and that we must have the means to assume this task.

For Québec, as was underlined justly in the report from the Consultation Table of the Public Debate on Energy, titled: *"For an Effective Québec"* "...cooperation with the Native peoples according to clear rules and in a mutual respect would lift the assumption that actually weighs on many of our future choices. It would open new possibilities for growth and development, profitable for all."

So it is necessary for us to acquire the means to assume in dignity and to offer a hand, not to beg, but to seal a lasting friendship in the realization of an optimal development rather than put up with maximum development.

This is why we want to share with the canadian population, not only the territory and its resources, but also our fundamental values based on respect, sharing and mutual aid.

We are thinking of initiating more and more experiences in partnership with the forces of the environment, at the regional, provincial as well as national levels. We are also working on development projects that will demonstrate how our philosophy can be applied in concrete terms and direct real sustainable development.

We will continue to fight against the strategies of social marginalization of our Nations and Peoples. We rather opt for affirmation of our autonomy and the right to self-determination. We are open to peaceful and harmonious coexistence in the respect of our linguistic and cultural differences. Sustainable development is a new paradigm who also must come from the meeting of two value systems, that of the modern industrial society and that of our ancestors.

Participation in the processes of decision making

We have tackled in the preceding chapters the necessity to reestablish our relations. The latter being based on principles of mutual equality, respect and recognition and also sharing. We added that of imputability to our Nations and Peoples. This translates in government to government, equal to equal relationships.

The actual sustainable development strategy allows First Nations and the Government of Canada to valorize the honour, reconciliation and renewal of our relationship starting with the establishment of a partnership based on mutual consent and a lasting trust relationship.

Our participation to the decision making processes, and also in the final decision, is the privileged and strategic opportunity to affirm that the First Nations and the Government of Canada agree on the principles that must support our relations.

This is also the privileged and strategic opportunity to affirm and recognize our responsibilities for management and guardian of the territory and its resources with respect for our values and principles regarding sustainable development.

Even if we seem to repeat ourselves, we reaffirm that our powers and our responsibilities on the territory and its resources are fundamental for the maintenance and the promotion of our cultures and our languages, and also our economic self-sufficiency and our social, cultural, spiritual and political autonomy.

Our new relationship will be inspired by the manner in which we treat historically with the other societies, that is as sovereign Nations and Peoples. In the contemporary context, we will affirm our will to coexist in a peaceful and harmonious manner thus demonstrating the evolution of our relations taking into account that we are not the only ones to inhabit this part of the territory.

The recognition of our power and our responsibility requires that Canada does no longer act unilaterally on behalf of the First Nations. In spite of this, the *Indian Act* will continue to be withheld and Canada will assume its fiduciary obligations towards the Natives.

We don't want to find ourselves in a juridical vacuum. That is the reason why the Government of Canada's fiduciary obligation will be maintained.

Nevertheless, the paternalistic attitudes in the decisions regarding First Nations will no longer be the attribute of the canadian or provincial governments. Our relations will be dynamic and based on respect for our rights and responsibilities. In a practical way, any law, policy, programme or decision will be submitted for the consent of the First Nations.

Any development or development project will have to be the subject of an agreement with the First Nations concerned when this development or development project is on the territory.

Representation of these decision making actions or institutions will be with parity of representation and with equal authority when the development or the development project is anticipated on the territory.

It could even be in majority and affirm a right of veto for the concerned First Nations when the development of the development project is anticipated on sacred, patrimonial, historic sites, or in a deep-seated bond with Native spirituality.

For the parts of territory that are the subject of treaties or agreements, the processus of decision making, and also the rules foreseen to said treaties or agreements must be respected.

In contentious cases, the First Nations and the Government of Canada will agree together to mechanisms directed at mediation, arbitration or the appeal of decisions being the subject of disputes.

Tying with our project of a sustainable development institution and the existing frameworks and institutions, the government of Canada must implement the financial resources and techniques in order to ensure the efficiency and the effectiveness of said frameworks and institutions.

Our participation to these processes of decision making will allow us to lessen the erroneous stereotypes, prejudices and perceptions of our rights and interests. To the contrary, we will learn to know each other, to respect our differences and to work in harmony for the well-being of our respective Nations and our Peoples.

We will call on the recognition and the respect of our rights, our powers and our responsibilities. Much more, we will affirm the rules of a real partnership based on mutual consent and on the establishment of a lasting trust relationship.

Sustainable Development Institution

The colonial policies of domination and assimilation have shaken the Native institutions at such a point that many have collapsed. The social problems then worsened. Economic development became difficult.

Since the publication of the *White Paper*, the Government of Canada gives more control to the Native communities on the local level. But it still refuses to recognize the historic continuity of the Native Nations and Peoples and the necessity to change its colonial approach. In actions, if not in words, the governments continue to prevent the Native Nations and Peoples to assume powers that would allow them to structure their own institutions and to develop their own solutions for the social, economic and political problems. It is this refusal that obstructs sustainable development among First Nations.

The new relationship that we suggest (see section on necessary partnership) is more than a political and institutional relationship. It must represent a sincere commitment on the part of the canadian population and the Nations and Peoples to live together in peace, harmony and concern. In order for such a commitment to be possible, it must be built on principles that express vision.

The principle of mutual recognition implies that the canadian population recognizes that the First Nations are the first inhabitants and guardians of the lands of this country and that gives them responsibilities and special rights. The principle of respect requires that the canadian population and the First Nations create a climate of mutual respect between them and within their respective groups.

The principle of sharing requires equity of the benefits received.

The principle of responsibility is the characteristic of a relationship that has reached maturity. The canadian population and the First Nations share the territory and will always share it. So it is in the interest of the Natives and non-Natives to conform to the most rigorous standards of responsibility, honesty and good faith towards each other.

We propose, in order to put these principles in practice, to create a Native institution for sustainable development. If we want the governments to take into account our Sustainable Development Strategy, we must equip ourselves with such an institution. By accepting to fund such an institution, Canada would respond to the wish expressed in the *Brundtland Commission Report* which recommended that "...the recognition of traditional rights must happen at the same time as measures that would tend to protect the local institutions that instil responsibility for the use of resources. This recognition must also give to the local communities the possibility to intervene in the decision making concerning the use of resources in their region".

Our institution for sustainable development will allow us to ensure the management of the environment. The health of our community members and the health of our economy depend a lot on that of the environment. The protection of the environment is thus a question of survival for our Nations and Peoples.

Contaminated fish and game, plants and wildlife submitted to chemical spraying, problems in management and waste disposal, these are many elements that are a source of concern for the health of our community members and/or their environment. Le lack of control on human activities that affect the environment makes our intervention more difficult. Our sustainable development institution will allow us to equip ourselves with political, legislative and executive powers as for the management and the formulation of laws, policies and programmes regarding the protection of the environment. On the other hand, we will set up, among other things, our own environmental assessment process and we will promote the proper methods of waste disposal, of management of petroleum products' tanks and contaminated soils in the Native communities.

We are partisans of economic development on the condition that it is carried out with respect of our Mother Earth and all forms of life it supports. We cannot tolerate the general depletion of natural resources. Forestry exploitation has repercussions on the wildlife and halieutic resources. Maximum cutting allowed are practiced on forestry lands while taking into account only the forestry value. The new techniques are a threat to wildlife over-exploitation. Since it concerns economic development, no one takes into account our cultural needs. Our sustainable development institution will be able to support the implementation of a First Nations Forestry Association so that we can put forward our interests with the governments and the forestry industry.

Consequently, initial and recurrent funding for the sustainable development institution is the tangible way to implement the actual sustainable development strategy and to ensure that we live within communities whose environment and economy are healthy.

General Objectives

In this chapter, we fully resume the subjects of the preceding chapter by identifying in stenographic form the objectives we are pursuing. It must be mentioned that the objectives are not in an order of priority. They all are of crucial importance to our First Nations.

Cultures and Languages

To endow ourselves with politic, legislative and executive powers for the administration and the formulation of laws, policies and programmes as regards cultures and languages.

Integrate the Native values, concepts and knowledge to the development of laws, policies and cultural and linguistic programmes.

Participate in national and provincial decision making processes as regards cultures and languages.

Promote, express, affirm, protect, retain, restore and study thoroughly our cultures and our languages to ensure their handing down from generation to generation.

Promote, express, affirm, protect, maintain, restore and study thoroughly our traditional values, knowledge, customs, beliefs and activities to ensure the handing down from generation to generation.

Promote the diversity and the wealth of our Native cultures for they contribute to the canadian cultural heritage and humanity cultural heritage.

Respect each First Nation's autonomy, as well as their distinct visions, values and needs.

Improve existing programmes and develop new programmes allowing us to emphasize our cultural expression.

Control and manage the promotion of the Native cultural expression and identity.

Control any human bones' discovery and artefacts identified to our cultures.

Protect and make an inventory of our religious, cultural and heritage sites, and ensure their priority access.

Protect our intellectual and cultural property as well as our traditional systems and our customary practices.

Encourage the development of cultural and linguistic policies in our communities.

Encourage the use of our languages during our communications (working environment, communities, families,...).

Promote the values of respect, sharing and mutual aid in our communities and in the Canadian population.

Encourage the holistic and traditional approach for the maintenance and the promotion of our cultures and our languages.

Promote secondary and post-secondary education in fields related to cultures and languages.

Promote school and popular education in fields related to cultures and languages.

Encourage inter-community relations at the inter-cultural level.

Encourage and promote cultural exchanges between Natives and non-Natives (allochtones).

Have political and educational institutions recognize the importance of our cultures and our languages, as well as their everlastingness.

Quality of Territory and Everlastingness of Resources

Endow ourselves with political, legislative and executive powers for the administration and the formulation of laws, policies and programmes pertaining to the management of the territory and its resources.

Integrate the Native values, concepts and knowledge to the development of management laws, policies and programs for the territory and its resources.

Actively participate in the strategies pertaining to the management and conservation of resources.

Promote our expertise and our millenary experiences as regards sustainable development, including in this the actual and historic importance of the application and the definition of the concept of sustainable development as emphasized by the Brundtland Commission.

Participate in national and provincial decision making processes as regards the management of the territory and its resources.

Promote an optimal use of renewable and non-renewable resources on the territory.

Reduce and manage efficiently any waste due to human and industrial activities in Native territory.

Protect the territory against activities that are not ecologically sensible or that we do not consider as culturally and socially appropriate.

Promote our fundamental values, our traditional knowledge and our practices in management of the territory and its resources.

Promote the traditional use of natural resources and ecosystems.

QUEBEC & LABRADOR

Support the replacement of means of production so that they respect sustainable development's criteria and participate in the improvement of our well-being.

Strengthen our expertise so that we are able to carry on our ability to adapt to the environment and participate efficiently to the exchange of observation, experiences, management practices data allowing sustainable development.

Encourage and support initiatives that use technologies that are more appropriate to sustainable development.

Prepare models for the management of resources that integrate the principles of Native traditional economies to the theories on the sustainable management of resources.

Encourage the recourse to the traditional ecological knowledge of our Elders.

Encourage the use of medicinal plants.

Spread information on the rights of the First Nations as regards the management of the territory and its resources.

Promote the holistic and traditional approach as regards management of the territory and its resources.

Promote secondary and post-secondary education in fields concerning the environment and the management of the territory and its resources.

Promote school and popular education in fields concerning the environment and the management of the territory and its resources.

Respect our preponderant rights to wildlife taking.

Obtain funding on a recurring basis in order to allow us to respect our obligations and needs as regards the management of the territory and its resources.

Strengthen the women's participation in fields concerning the environment and the management of the territory and its resources.

Encourage the exchange of knowledge between Natives and non-Natives concerning the environment and the management of the territory and its resources.

Encourage inter-community exchanges for any question concerning the environment and the preservation of the quality of the territory and its resources.

Improve the existing programmes and develop new programmes allowing us to preserve the quality of the territory and its resources.

Have the scientific know-how, the traditional knowledge and know-how of our Nations and our Peoples recognized on the same level as the scientific knowledge as regards the management of the territory and its resources.

Social Development

Endow ourselves with political, legislative and executive powers for the administration and the formulation of laws, policies and programmes as regards social development.

Integrate Native values, concepts and knowledge to the development of laws, policies and programmes in social development.

Participate in the national and provincial decision making processes as regards social development.

Restore equity between the Native and non-Native populations in terms of socio-economic indicators especially as regards health, education and access to the quality of life.

See that we have recognized the necessary powers for the holistic control of social, cultural, economic roles and programmes in employment and training.

Encourage a social economy based on the contribution from each member of the community, the professional intervening party as well as the employee and the volunteer.

Promote values of social and community unity, solidarity and harmony.

Promote self-esteem and respect for others.

Promote secondary and post-secondary education in the fields concerning health and social services.

Promote school and popular education in fields concerning health and social services.

Strengthen the men's participation and awareness in the fields concerning health and social services.

Recognize the women's expertise in the fields concerning health and social services.

Encourage the formation of committees (elders, women, youth,...) so that their skills will be put to contribution in social and community development.

Encourage coordination between community intervening parties.

Promote the holistic and traditional approach as regards health and social services..

Promote the creation of programmes in the management of health.

Encourage the exchange of knowledge between Natives and non-Natives concerning health and social services.

Encourage inter-community exchanges for any question concerning health and social services.

Improve existing programmes and develop new programmes allowing us to improve our health develop ourselves on the social level.

To get back our responsibilities as regards the adoption and placing of our children.

Consider the ancestral territory as reference territory for the enforcement of laws, policies and programmes that are intended for us.

Obtain the support of the Government of Canada in the discussions and tripartite discussions we hold with the provinces.

Equip ourselves with our own institutions and jurisdictions as regards justice and public security so that the Native order be more consistent with the socio-cultural needs, concerns and identities of our Nations and our Peoples.

Economic Development

Endow ourselves with political, legislative and executive powers concerning the administration and the formulation of laws, policies and programmes as regards economic development.

Integrate Native values, concepts and knowledge in the development of laws, policies and programmes for economic development.

Participate in the national and provincial decision making processes as regards economic development.

Improve existing programmes (examples: Negotiation Programme for Access to Natural Resources and First Nations' Forestry Programmes,...) and develop new programmes allowing us to improve our economic base.

Promote the territorial rights including access to natural resources.

Promote the growth or the development of economic activities based on the emphasis on cultural expression and the emphasis on the territory and its resources, that is coherent with traditional values and practices.

Exercise a pre-emption right on the emphasis on territory and its resources.

Promote the diversification of economic activities.

Ensure an equitable sharing of economic returns from exploitation of the natural resources on the territory.

Respect International Charters and Pacts for the respect of rights and freedoms.

Control, manage and promote cultural expression and Native identity as the centre of economic development.

Improve community services, organizations and infrastructures in order to promote the display of opportunities for local and regional entrepreneurship.

Develop a strong economic base allowing us to advance towards individual and collective autonomy.

Encourage the creation of lasting jobs.

Ensure the development of enterprises for the community based on respect for traditional values.

Allow access to comprehensive capital, to credit, to funding, to the support for investment and infrastructures, also access to the necessary technological transfer allowing the development of enterprises.

Develop economic training programmes that are consistent with traditional values.

Carry out analysis on positive development returns.

Take our responsibilities as co-managers of the territory.

Recognize the Native territory and the necessity of a territorial settlement to allow us access to a solid economic base and a more equitable sharing of the economic returns.

Develop a stronger economic base allowing the First Nations to advance towards economic self-sufficiency and individual and collective autonomy.

Strengthen the women's participation in fields concerning economic development.

Promote secondary and post-secondary education in fields concerning economic development.

Promote school and popular education in fields concerning economic development.

Encourage the exchange of knowledge between Natives and non-Natives as regards economic development.

Encourage inter-community exchanges for any question concerning economic development.

Encourage the holistic and traditional approach as regards economic development.

Necessary Partnership

Affirm our objectives for harmonious and peaceful coexistence with the other Nations and Peoples through a partnership based on mutual consent and the establishment of a trust relationship.

Get the consent of First Nations for any project or enterprise operating in the territory.

Participate in the development of projects from their design to their realization.

Distribute in an equitable fashion the economic returns from projects or enterprises operating in the territory.

Recognize international authentication to the Government of Canada that it respects our rights.

Ensure that development projects respect Native criteria and concepts for sustainable development when partnership will be applicable.

QUEBEC & LABRADOR

Exclude any marginalization strategy of the Native Nations and Peoples and affirm our right to self-determination and our inherent right to self-government in the perspective of partnership.

Restore equality in our relations.

Confirm that we are serious actors in the management of the territory and the emphasis on resources.

Implement the partnership with the First Nations for which the Government of Canada had committed itself in the Liberal Party's *Red Book*.

Participation in the processes of decision making

Endow ourselves with political, legislative and executive powers when participating in the decision making processes.

Integrate Native values, concepts and knowledge the decision making processes.

Reestablish the equality of our relations and relationships based on principles of mutual respect and recognition, and also of sharing.

Recognize the principle of imputability to our respective Nations and Peoples when participating in the decision making processes.

Reestablish honour, reconciliation and the renewal of our relationship according to a partnership approach.

Affirm and recognize our powers and responsibilities as regards as managers and guardians of the territory and its resources.

Update our relations by inspiring ourselves with our historical relationships based on the recognition and respect of our sovereign Nations and Peoples.

Affirm our will to coexist in a harmonious and peaceful fashion by recognizing the equality of our relations when participating in decision making processes.

Maintain the Government of Canada's fiduciary obligation until the recognition and the implementation of our inherent right to self-determination and our inherent right to self-government.

Conclude an agreement with the concerned Native communities when the development or the project is expected on the territory.

Ensure a parity and equivalent authority representation when the development of the development project is expected on the territory being the subject of negotiation or a territorial claim.

Ensure a majority representation and affirm our right of veto when the development or the development project is expected on sacred, patrimonial, historic sites or deep-rooted with Native spirituality.

Respect the expected rules and clauses in the treaties and agreements such as the *James Bay and Northern Québec Agreement* and the *North East Québec Agreement*.

Agree together about appeal, mediation and arbitration mechanisms in the case of contentious cases.

Ensure and implement the financial and technical resources for our frameworks and institutions when participating in the decision making processes.

Learn to know and respect each other when participating in the decision making processes.

Recognize and respect our rights, our powers and our responsibilities in the implementation of a true partnership based on mutual consent and the establishment of a lasting trust relationship.

Sustainable Development Institution

Implement the actual Sustainable Development Strategy.

Promote the actual Sustainable Development Strategy with the communities, the Tribal Councils and other Native Organizations.

Promote the actual Sustainable Development Strategy with the Québec and Canada Governments, municipal governments, RMC as well as private organizations and public institutions.

Define, with DIAND, the decision making mechanisms and also the powers and responsibilities of each one in order to implement the actual Sustainable Development Strategy.

Make the connection with DIAND between the actual Sustainable Development Strategy and the content of the *Royal Commission on Aboriginal Peoples*.

Endow ourselves with political, legislative and executive powers for the management and the formulation of laws, policies and programmes concerning the protection of the environment.

Integrate Native values, concepts and knowledge to the development of laws, policies and programmes for the protection of the environment.

Actively participate in environment protection strategies.

Implement our own environmental assessment process.

Strengthen financial support programmes aimed at the training of Natives so we can attain a sustainable and autonomous development.

Participate, at the national level, in sustainable development activities.

Encourage secondary and post-secondary education in fields concerning sustainable development.

Encourage school and popular education in fields concerning sustainable development.

QUEBEC & LABRADOR

Encourage the participation of the youth, women, elders and any committee in discussions relating to sustainable development.

Strengthen women's participation in fields concerning sustainable development.

Help the interested communities to implement their own Sustainable Development Strategy.

Promote the Native know-how and experience as regards sustainable development.

Encourage the use of the Native expertise and skills to accept the contemporary challenges in the field of sustainable development.

Encourage and support initiatives using the most appropriate technologies for sustainable development.

Implement our own environmental assessment process before any land transaction.

Encourage the development of emergency plans (accidents, discharge of petroleum products, etc.) in the communities and their annual re-appraisal.

Encourage the implementation of a list of environmental concerns in the communities.

Encourage and promote good methods of management for solid and dangerous wastes in the communities.

Encourage and promote good methods of management for petroleum products' tanks in the communities.

Encourage the implementation of by-laws in the communities concerning the management of the environment.

Encourage and promote good methods of management of the contaminated soils in the communities..

Promote secondary and post secondary education in the fields relating to the environment.

Promote school and popular education in the fields relating to the environment.

Encourage the sharing and handing down of experiences, knowledge and skills concerning the stakes identified in the actual Sustainable Development Strategy within the communities.

Implement an inter-community information network (computer network, journal, workshops or others) to exchange on the experiences, knowledge and skills concerning the stakes identified in the actual Sustainable Development Strategy.

Encourage the exchange of knowledge between Natives and non-Natives as regards sustainable development.

Improve existing programmes and develop new programmes allowing us to implement the actual Sustainable Development Strategy.

Ensure the initial and recurrent funding of the sustainable development institution to allow us to implement the actual sustainable development strategy.

Protect the intellectual property of the actual sustainable development strategy.

Support the implementation of a First Nations Forestry Association.

Strengthen the women's participation in fields relating to the environment.

Improve the existing programmes (examples: List of environmental concerns on reserve and Assistance for the Protection of the Natives' Environment) and develop new programmes allowing us to protect the environment.

Review every three years the actual sustainable development strategy.

Actions To Be Taken

The First Nations can but endorse the sustainable development's objectives since it responds to the values that are profoundly included in traditional cultures. In that sense, we are depositing with the Government of Canada a series of actions that will allow all the Native and non-Native Nations and Peoples to make progress towards some form of sustainable development that now benefits and will benefit later from the territory.

The list of actions that follows then indicates a firm overture and commitment from the First Nations in sustainable development with respect for cultural differences. It also contains projects and commitments already submitted or agreed to with DIAND.

The projects or actions will be provided by First Nations to the Assembly of the First Nations of Québec and Labrador Sustainable Development Institution.

Conclusion

This opportunity for us to also be able to define our own Sustainable Development Strategy is an opportunity to meet cultures whose taking root on the territory find its common denominator in the will to think for the long term for the benefit of future generations and with respect for ecosystems. This vision of the world is close, if not inspired by that of our ancestors and joins our traditional values and practices.

Our present situation is more than difficult. We repeat it, the laws have put us in a situation of dependence at the same time juridical and financial that is unacceptable in a modern society. This institutionalized dependence is all the more intolerable because too many people in Canada see the Natives in a negative fashion. This is a heavy handicap that we must collectively overcome, members of the First Nations and Canadians. For our well-being and that of future generations, we must find balance by exercising our rights on the territory.

We must find equity formulas in order to share the territory and its resources with mutual respect of cultures and ways of life. That is why recognition of our rights and also access to the territory and its resources are fundamental to the blossoming of our populations. This respect

and recognition of our rights and our needs are the cornerstones of our Sustainable Development Strategy.

We have the individual and collective responsibility to immediately reestablish our political, social, cultural, economic and other relationships in order to reduce the incomprehension and intolerance between our respective Nations and Peoples. Our sustainable development strategy contains elements that will allow us to define and build a better future for our many youth, our real human capital. We cannot sacrifice only one generation of our descendants.

Consequently, we have started an irreversible process towards the respect and the recognition of our territorial rights, towards the exercise of our right to self-determination and our inherent right to self-government, towards political and economic autonomy.

Our pride and our dignity will be still more confirmed in our future relationships. We will thus appeal to our values, principles, stakes and objectives contained in the actual strategy. To this effect, our sustainable development institution will itself be inspired by these values and principles. It will be a tool encouraging the implementation, in a pragmatic way, of our sustainable development strategy.

So, we call on the courage and the political maturity so that canadian and Native democratic institutions agree to a real partnership in a territory that is now common to all of us.

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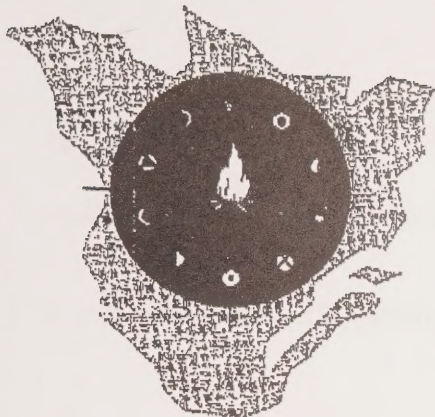
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*Appendix February 20, 1997's Resolution adopted by the Chiefs' Assembly of the
Assembly of the First Nations of Québec and Labrador*



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RESOLUTION NO. 3/97

SUSTAINABLE DEVELOPMENT

WHEREAS the Department of Indian and Northern Affairs is committed to formulate by December 1997 as required by law (Auditor General Act) a sustainable development strategy; and

WHEREAS the Assembly of First Nations of Quebec and Labrador has offered its cooperation in hosting a meeting held on January 17, 18, 1997 of all First Nation communities; and

WHEREAS the joint meeting of DIAND/AFNQL does not, in any way, constitute a consultation or endorse at this point in time a partnership with DIAND for the preparation of a sustainable development strategy; and

WHEREAS the First Nations of Quebec and Labrador do not agree with the process as well as the approach exercised by DIAND,

BE IT THEREFORE RESOLVED THAT a sustainable development strategy must be prepared, driven and advanced within the control and expertise of the First Nations leadership; and

THAT the preparation of a strategy calls for the cooperation of the Government of Canada; and

THAT DIAND must provide the necessary financial resources to First Nations; and


THAT the sustainable development strategy must be submitted to the Chiefs-in-Assembly for adoption before its release; and

THAT the strategy will be recognized by the Government of Canada as the exclusive ownership of First Nations.

PROPOSED BY: Chief Rémy Kurtness, Mashteuiatsh

SECONDED BY: Chief Jerry Polson, Long Point First Nation

ADOPTED BY CONSENSUS IN STE-FOY, QUÉBEC ON FEBRUARY 20, 1997



Ghislain Picard
Regional Chief

